

87-1216-03

(See Instructions on Reverse)

RDB #0587-24

SUBMITTED FOR REVIEW

DEC 16 1987

OFFICE OF ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

JAN 12 1988

Office of Administrative Law

For use of Office of Adm Law

REGULAR
FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

12/11/87

FILED
In the office of the Secretary of State
of the State of California

JAN 12 1988

At 4:22 o'clock P.M.
MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)
Rosalie Clark, Chief, Regulations Development Bureau
445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22 101319.1, 101321, 102419, and 102421
SECTIONS ADOPTED:
SECTIONS AMENDED:
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
July 31, 1987
b. DATE OF FINAL AGENCY ACTION
December 11, 1987
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Amend Section 101319.1 to read:

101319.1 ADMISSION PROCEDURES (Continued)

101319.1

- (c) The center shall inform parents/guardians of their right to enter and inspect the center in accordance with Health and Safety Code Section 1596.857.

Health and Safety Code Section 1596.857 provides:

- (a) Upon presentation of identification, the responsible parent or guardian of a child receiving services in a child day care facility has the right to enter and inspect the facility without advance notice during the normal operating hours of the facility. Parents or guardians when inspecting shall be respectful of the children's routines and programmed activities. The facility shall inform parents and guardians of children receiving services in the facility of the right of the parents and guardians to inspect the facility pursuant to this section.
- (b) No child day care facility shall discriminate or retaliate against any child or parent or guardian on the basis or for the reason that the parent or guardian has exercised his or her right under this section to inspect the facility or has lodged a complaint with the department against a facility.
- (c) If any child day care facility denies a parent or legal guardian the right to enter and inspect a facility or retaliates, the department shall issue the facility a warning citation. For any subsequent violation of this right, the department may impose a civil penalty upon the facility of fifty dollars (\$50) per violation. The department may take any appropriate action, including license revocation.
- (d) Each child day care facility shall permanently post in a facility location accessible to parents and guardians written notice of the right to make an inspection pursuant to this section and the prohibition against retaliation and the right to file a complaint.
- (e) Notwithstanding any other provisions of this section, the person present who is in charge of a child day care facility may deny access to an adult whose behavior presents a risk to children present in the facility and may deny access to noncustodial parents or guardians if

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☐ so requested by the responsible parent or legal guardian.

HANDBOOK

(1) The center shall provide each parent/guardian with a copy of the notice form furnished by the Department.

(A) Each parent/guardian shall be requested to sign and date the notice form acknowledging receipt.

(2) A copy of the notice shall be posted in a prominent, publicly accessible location in the center.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, 1596.857, and 1597.05, Health and Safety Code.

Amend Section 101321 to read:

101321 CHILD'S RECORDS (Continued)

101321

(d) Each child's record shall contain the receipt signed and dated by the parent/guardian acknowledging receipt of the child abuse prevention pamphlet and notice form as required in Section 101319.1.

(1) If the parent refuses to sign a receipt for the pamphlet and notice form, a dated notation to that effect shall be retained in the child's record.

(e) The licensee shall provide the name, address, and telephone number of the child's parent/guardian to the peace officer as specified in Health and Safety Code Section 1596.876.

Health and Safety Code Section 1596.876 provides:

In any case in which a child day care facility releases a minor to a peace officer pursuant to Section 305 of the Welfare and Institutions Code, the official in charge of that facility shall provide the peace officer with the address and telephone number of the minor's parent or guardian in order to enable the peace officer to make the notification required by Section 308 of the Welfare and Institutions Code.

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Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, 1596.857,
1596.876, and 1597.05, Health and Safety Code.

Amend Section 102419 to read:

102419 ADMISSION PROCEDURES

102419

- (a) A child abuse prevention pamphlet furnished by the Department, the licensee shall be distributed by the licensee a pamphlet to the parent of each child being cared for in the home:
- (1) Within 30 days of receipt of an initial supply of child abuse prevention pamphlets.
 - (b2) At the time of acceptance of each child into care, the licensee shall provide the child's parent with a copy of the pamphlet.
 - (±3) The licensee shall request the parent to sign and date a receipt that the parent has received and read the pamphlet.
- (b) The licensee shall inform parents/guardians of their right to enter and inspect the family day care home in accordance with Health and Safety Code Section 1596.857.

Health and Safety Code Section 1596.857 provides:

- (a) Upon presentation of identification, the responsible parent or guardian of a child receiving services in a child day care facility has the right to enter and inspect the facility without advance notice during the normal operating hours of the facility. Parents or guardians when inspecting shall be respectful of the children's routines and programmed activities. The facility shall inform parents and guardians of children receiving services in the facility of the right of the parents and guardians to inspect the facility pursuant to this section.
- (b) No child day care facility shall discriminate or retaliate against any child or parent or guardian on the basis or for the reason that the parent or guardian has exercised his or her right under this section to inspect the facility or has lodged a complaint with the department against a facility.
- (c) If any child day care facility denies a parent or legal guardian the right to enter and inspect a facility or retaliates, the department shall issue the facility a warning citation. For any subsequent violation of this

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right, the department may impose a civil penalty upon the facility of fifty dollars (\$50) per violation. The department may take any appropriate action, including license revocation.

(d) Each child day care facility shall permanently post in a facility location accessible to parents and guardians written notice of the right to make an inspection pursuant to this section and the prohibition against retaliation and the right to file a complaint.

(e) Notwithstanding any other provisions of this section, the person present who is in charge of a child day care facility may deny access to an adult whose behavior presents a risk to children present in the facility and may deny access to noncustodial parents or guardians if so requested by the responsible parent or legal guardian.

(1) At the time of acceptance of each child into care, the licensee shall provide the child's parent with a copy of the notice form furnished by the Department.

(2) The licensee shall request the parent to sign and date the form which acknowledges a receipt that the parent has received and read the pamphlet the notice.

(3) A copy of the notice form shall be posted in a prominent, publicly accessible location in the family day care home.

(c) If the parent/guardian refuses to sign the pamphlet or notice form, a dated notation to that effect, containing the parent's name and telephone number, shall be retained in the child's record.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.857, 1596.872, and 1597.30, Health and Safety Code.

Amend Section 102421 to read:

102421 CHILD'S RECORDS

102421

(a) The licensee shall maintain, in the ~~home~~ child's record, the receipt signed and dated by the parent acknowledging receipt of the child abuse prevention pamphlet and the notice form required in Section 102419.

~~(1) If the parent refuses to sign a receipt for the pamphlet, a dated notation to that effect, containing the parent's name and telephone number, shall be retained with the receipts.~~

(b) The signed and dated receipts and notations shall be retained for at least three years following termination of service to the child.

(c) The licensee shall provide the name, address, and telephone number of the child's parent/guardian to the peace officer as specified in Health and Safety Code Section 1596.876.

Health and Safety Code Section 1596.876 provides:

In any case in which a child day care facility releases a minor to a peace officer pursuant to Section 305 of the Welfare and Institutions Code, the official in charge of the facility shall provide the peace officer with the address and telephone number of the minor's parent or guardian in order to enable the peace officer to make the notification required by Section 308 of the Welfare and Institutions Code.

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Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.857, 1596.872, 1596.876, and 1597.30, Health and Safety Code, and Resolution Chapter 147.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

JAN 12 1988

At 4:22 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 87-1216-03

[Signature]
LINDA STOCKDALE BREWER
DIRECTOR

1/12/88
Date

EMERGENCY

88-0119-01E

(See Instructions on Reverse)

RDB 1287-58

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED

In the office of the Secretary of State
of the State of California

JAN 22 1988

At 4:26 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING

JAN 22 1988

Office of Administrative Law

Department of Social Services
(AGENCY)

[Signature]

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 1-15-88

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title _____
SECTIONS ADOPTED: 40-002
SECTIONS AMENDED: Adopted
44-111.435 Handbook
SECTIONS REPEALED: 44-111.435
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
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7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
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☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER N/A
b. DATE OF FINAL AGENCY ACTION January 15, 1988
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

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- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
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 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Adopt Chapter Title and Section 40-002 to read:

CHAPTER 40-000 IMPLEMENTATION SCHEDULE

40-000

40-002 IMPLEMENTATION OF EXEMPT STUDENT LOANS

40-002

The repeal of MPP Section 44-111.435 is effective January 29, 1988, and that regulation has been invalid since January 1, 1988 because it conflicts with Welfare and Institutions Code Section 11250.8 (see Handbook, Section 44-111.435). Counties shall identify cases which receive educational loans/grants on or after January 1, 1988 and shall redetermine the grant, as necessary.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 11250.8 (Chapter 957, Statutes of 1987), Welfare and Institutions Code; and Section 11342.2, Government Code.

Repeal Section 44-111.435 and add Handbook Section 44-111.435 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
AS INCOME (Continued)

•4 Exclusions or Exemptions of Other Payments and Income
(Continued)

•43 Loans and Grants (Continued)

•435 In the instance where a recipient receives more than one educational loan or grant, the recipient's educational expenses will first be applied to the totally exempt loans or grants such as those administered by the Federal Secretary of Education (see Section •432 above).

Any remaining educational expenses will then be applied to those loans or grants that do not contain conditions precluding their use for current living costs.

•435 Section 11250.8 of the Welfare and Institutions Code reads as follows:

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11250.8. If an applicant for, or recipient of, benefits pursuant to this chapter receives one or more educational loans or grants, for purposes of determining availability of income, that person's educational expenses shall not be applied to any educational loans or grants which, under federal or state law, are totally exempt from consideration as income for purposes of determining eligibility for benefits under this chapter.

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•436 (Continued)

•437 (Continued)

•438 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference:

Sections 10553, 10554 and 11250.8 (Chapter 957, Statutes of 1987), Welfare and Institutions Code and Section 11342.2, Government Code.

OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

FILED
In the office of the Secretary of State
of the State of California

JAN 22 1988

At 4:26 o'clock P. M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0119-01E

[Signature]

LINDA STOCKDALE BREWER
DIRECTOR

1-22-88

Date

SUBMITTED FOR FILING

DEC 24 1987

OFFICE OF ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
JAN 22 1988

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET
CERT
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

L. L. S. Mohr

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

12/22/87

(See Instructions on Reverse)

RDB #0787-39

FILED
In the office of the Secretary of State
of the State of California

JAN 22 1988

At 4:26 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Ruth Bates*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

63-072

SECTIONS AMENDED:

63-501.111; 63-501.3(k); and 63-502.2 ^(d)~~(e)~~, ^(f)~~(e)~~ (1), ^(f)~~(e)~~ (2) (B), and (k)

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
September 4, 1987	December 22, 1987	N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
- Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☒ Effective on 2/1/88 (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, reading "Linda S. McMahon". The signature is written in dark ink and is positioned above the printed name and title.

LINDA S. McMAHON
Director

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Section 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following regulations which were filed with the Secretary of State on September 1, 1987, and which became effective on September 1, 1987.

Manual of Policies and Procedures, Division 63, Chapters 63-000 and 63-500, Sections:

Amended

Adopted

63-501.111
63-501.3(k)
63-502.2(c)
63-502.2(e)(1)
63-502.2(e)(2)(B)
63-502.2(k)

63-072

No amendments or repealers resulted from the public hearings held on October 20, 21, and 23, 1987.



LINDA S. McMAHON
Director

12/22/87

Date

Amend Section 63-072.1 to read:

63-072 IMPLEMENTATION OF HIGHER EDUCATION AMENDMENTS 63-072
OF 1986 (PUBLIC LAW 99-498)

- .1 Sections 63-501.111, 63-501.3(k)(12), 63-502.2(ed)(5), 63-502.2(ef)(1)(F), 63-502.2(ef)(2)(B), and 63-502.2(k)(4), as amended herein, shall become effective September 1, 1987.
- .2 These amended or adopted provisions in Section 63-072 shall be implemented as follows:
 - .21 Beginning September 1, 1987, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
 - .22 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or October 17, 1986, whichever occurred later.
 - .23 For a household that applied for benefits from October 17, 1986 until August 31, 1987 and was denied, the household is entitled to restored benefits back to October 17, 1986 or date of application, whichever occurred later, if the household: (1) is otherwise entitled to benefits and (2) requests a review of its case or the CWD becomes aware a review is needed.

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Section 18904, Welfare and Institutions Code and 7 CFR 272.1(g)(89).

.1 Definition of Resources (Continued)

.11 (Continued)

- .111 A non-recurring lump sum payment includes, but is not limited to, income tax refunds, rebates or credits; retroactive lump-sum social security, railroad retirement benefits, or other payments; retroactive payments from the approval of an application for any assistance program; court ordered retroactive payments for any assistance program; supplemental or corrective payments received for a previous month from any assistance program; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other Federal law in accordance with Sections 63-501.3(k)(1) through (12) or 63-501.3(1).

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code; Sections 11349(c) and (d), Government Code; and 7 CFR 273.8(e)(11)(xi).

.3 Exclusions from Resources

In determining the resources of a household, only the following shall be excluded: (Continued)

- k. Resources which are excluded for food stamp purposes by federal statute. The following is a listing of some of the resources excluded by federal statute: (Continued)

- (12) Financial assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act (as amended by Public Law 99-498).

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.8(e)(11)(xi).

Amend Section 63-502.2(d)(5) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

•2 Income Exclusions. (Continued)

(d) Regardless of their source, educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of post-secondary education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped. (Continued)

(5) Portions of financial assistance (payments, loans, reimbursements or allowances) funded in whole or in part under Title IV of the Higher Education Act of 1965 (as amended by Public Law 99-498), provided to students attending an institution of post-secondary education as defined in Section 63-502.2(ed)(1) on at least a half-time basis, shall be excludable. Only the assistance intended to be used for tuition, mandatory school fees, books, supplies, transportation and miscellaneous personal expenses (other than room, board and/or dependent care) related to the cost of attendance at the educational institution shall be excluded.

(A) The CWD shall verify all factors affecting this provision. The student shall be responsible for providing the CWD with information to document:

(i) The institution considers the student to be attending the institution on at least a half-time basis.

(ii) Educational assistance received is from a program funded in whole or in part under Title IV of the Higher Education Act.

(iii) Amounts claimed for tuition, mandatory school fees, books, supplies, transportation and miscellaneous personal expenses.

In order to document claimed costs a student may use, but is not limited to, student budgets, award letters, and/or receipts.

- (B) Until such time as appropriate verification is presented to the CWD, any portion of assistance received from a program funded in whole or in part under Title IV of the Higher Education Act which is not verified shall not be excluded.
- (C) Excludable expenses claimed by the student shall not exceed the value of the total amount of educational assistance granted from a program funded under Title IV of the Higher Education Act.

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.9(c)(3), (4), and (10)(xi).

Amend Section 63-502.2(f)(1)(F) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

•2 Income Exclusions. (Continued)

(f) (Continued)

(1) Excludable reimbursements which are not considered to be a gain or benefit to the household include, but are not limited to the following: (Continued)

(F) Federal reimbursements to students provided by a program funded in whole or in part under Title IV of the Higher Education Act, to the extent that the verification requirements are met as specified in Section 63-502.2(ed)(5).

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.9(c)(5)(ii)(B).

Amend Section 63-502.2(f)(2)(B) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.2 Income Exclusions. (Continued)

(f) (Continued)

(2) The following shall not be considered a reimbursement excludable under this provision:
(Continued)

(B) Portions of any federal educational grant, scholarship, fellowship, veterans' educational benefit and the like to the extent they provide income assistance beyond that used for tuition and mandatory school fees as set forth in Section 63-502.2(ed). This provision does not apply to educational assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act to the extent that the verification requirements are met as specified in Section 63-502.2(ed)(5).

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.9(c)(5)(ii)(B).

Amend Section 63-502.2(k)(4) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

•2 Income Exclusions. (Continued)

(k) Any income that is specifically excluded by any other federal statute from consideration as income for the purpose of determining eligibility for the Food Stamp Program. The following is the current listing of income excluded by federal statute: (Continued)

(4) Federal educational assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act is excludable to the extent specified in Section 63-502.2(ed)(5).

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.9(c)(10)(xi).

**OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION
OF
APPROVAL**

FILED
In the office of the Secretary of State
of the State of California

JAN 24 1988

At 4:26 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

OAL File No: 87-1224-02C

[Signature]
**LINDA STOCKDALE BREWER
DIRECTOR**

1-22-88
Date

SUBMITTED FOR REVIEW

DEC 23 1987

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

JAN 22 1988

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

STATE DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

John S. Nichols

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 12/23/87

(See Instructions on Reverse)

RDB #0787-36

FILED
In the office of the Secretary of State
of the State of California

JAN 22 1988

At 4:26 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Katherine Tate*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

ROSALIE CLARK

CHIEF, REGULATIONS DEVELOPMENT

445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

44-340

SECTIONS AMENDED:

44-133

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: 44-340

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
SEPTEMBER 4, 1987	DECEMBER 23, 1987	DECEMBER 8-22, 1987

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

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- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
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- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
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- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

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- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

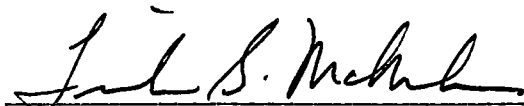
The Department of Social Services hereby certifies that it has complied with the provisions of Section 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on August 28, 1987, and which became effective on September 1, 1987.

Manual of Policies and Procedures, Division 44, Chapter(s) 100 & 300 Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
44-133	44-340	

These regulations were presented at public hearing on October 20, 1987. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
44-340		



LINDA S. McMAHON
Director

12/23/87
Date

Amend Sections 44-133.631(a), .711, .752, .753, .754, .755 and .756 to read:

44-133 TREATMENT OF INCOME (Continued)

44-133

.6 Income In Cases Where A Stepparent Resides In The Home (Continued)

.63 Computation of Income to the Assistance Unit

.631 The stepparent's income deemed available to the assistance unit is determined as follows:

(a) Determine the stepparent's net nonexempt income according to the provisions in Chapter 44-100.

(1) When determining net earned income the stepparent shall be entitled to the \$75 work expense disregard. See Section 44-113.214.

HANDBOOK

(2) The dependent care expense disregard and the \$30 and 1/3 and, as applicable, the \$30 disregard shall not be allowed. See Sections 44-113.215, 216 and 217.

HANDBOOK

(b) (Continued)

(c) (Continued)

(d) (Continued)

.7 Income in Cases Where the Senior Parents or Legal Guardians Reside in the Home with a Minor Parent.

.71 Definitions (Continued).

.711 A Minor Parent is a parent who is less than 18 years of age. The term minor parent also includes a pregnant woman less than 18 years of age who has no other children in the home.

.72 (Continued)

.73 (Continued)

.74 (Continued)

•75 Computation of Income to the Assistance Unit.
(Continued)

•752 Determine the net nonexempt income of each senior parent or legal guardian according to the provisions in Chapter 44-100.

(a) When determining net earned income, each employed senior parent or legal guardian shall be entitled to the \$75 work expense disregard. See Section 44-113.214.

(b) The dependent care expense disregard, the \$30 and one-third disregard and the \$30 disregard shall not be allowed. See Section 44-113.215, 44-113.216 and 44-113.217.

HANDBOOK

HANDBOOK

(c) (Continued)

(d) (Continued)

•753 (Continued)

•754 (Continued)

Authority Cited: Sections 10553, 10554 and 10604, Welfare and Institutions Code.

Reference: Sections 10553 and 10604, Welfare and Institutions Code; Tax Reform Act of 1986, Section 1883(b) (Public Law 99-514, October 22, 1986); U.S. Department of Health and Human Services Action Transmittal (No. FSA-AT-87-4) dated April 16, 1987.

Adopt Section 44-340.7 to read:

44-340 UNDERPAYMENTS (Continued)

44-340

.7 An assistance unit shall be considered to be underpaid, for purposes of the Tax Reform Act, if it meets any of the criteria described in Section 44-340.71.

.71 One of the following circumstances occurred in the period between October 22, 1986, through August 31, 1987.

.711 Senior Parent/Legal Guardian Unit or Stepparent Unit was granted a part-time \$50 work related expense disregard. See MPP Sections 44-133.6 and .7.

HANDBOOK

(a) The CWD shall allow the full \$75 work related expense disregard retroactive to October 22, 1986, or the date of eligibility to the work related expense disregard, whichever is later.

.712 Senior Parent/Legal Guardian income was allocated to the assistance unit because of an 18-year-old minor parent living at home and attending school. See MPP Section 44-133.75.

HANDBOOK

(a) The CWD shall recompute the amount available to the assistance unit without consideration of the income allocated from the Senior Parent/Legal Guardian retroactive to October 22, 1986, or the date the minor parent turned 18, whichever is later.

.72 The case review, recomputation and correction of the underpayment shall be completed as soon as possible and not later than the deadlines set forth below:

.721 The date of the next annual redetermination of eligibility or the date of termination, whichever is earlier, for all current recipients on the effective date of this regulation;

.722 Sixty days from the date aid is granted for reapplications and requests for restoration of aid within one year of the effective date of this regulation;

.723 Sixty days from the date of a request for review in all other cases.

.724 This regulation is effective September 1, 1987.

HANDBOOK

Authority Cited: Sections 10553 10554 and 10604, Welfare and Institutions Code.

Reference: Sections 10553 and 10604, Welfare and Institutions Code; Tax Reform Act of 1986, Section 1883(b), (Public Law 99-514, October 22, 1986); U.S. Department of Health and Human Services Action Transmittal (No. FSA-AT-87-4) dated April 16, 1987.

OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION
OF
APPROVAL

FILED
In the office of the Secretary of State
of the State of California

JAN 22 1988

At 4:26 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 87-1223-04C

[Signature]
LINDA STOCKDALE BREWER
DIRECTOR

1-22-88
Date

EMERGENCY FILING SHEET

88-0122-03E

(See Instructions on Reverse)

RDB #1287-59

FILED

In the office of the Secretary of State
of the State of California

FEB 01 1988

At 4:27 o'clock P.M.

MARCH FONG EU, Secretary of State

By Ruth Bates
Deputy Secretary of State

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 1/21/88

ENDORSED
APPROVED FOR FILING
FEB 01 1988

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22 SECTIONS ADOPTED: 50-016 et seq.
SECTIONS AMENDED:
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
N/A
b. DATE OF FINAL AGENCY ACTION
JAN 22 1988
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State. (February 1, 1988)
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

EMERGENCY

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Adopt Section 50-016 to read:

50-016 VAESSEN V. WOODS RETROACTIVE COURT CASE

50-016

HANDBOOK

.1 Background

The Vaessen v. Woods lawsuit challenged the authority of the State Department of Social Services (SDSS), to count income tax refunds as income available to meet current needs rather than as resources. On April 5, 1984, the California Supreme Court ordered SDSS and county welfare departments (CWDs) to treat income tax refunds as resources rather than earned income in grant determination. The final judgement ordered SDSS to provide retroactive benefits and interest to class members. On September 17, 1987 the final order was signed and the provisions of that order are set forth in the following regulations.

.2 Definitions

.21 For the purpose of these regulations:

- .211 "Claim Form" means that portion of the SDSS designed Informing/Claiming Notices (Temp 1706 and Temp 1706A) which must be completed, signed, and returned to the appropriate CWD for determination of a claimant's eligibility for retroactive benefits.
- .212 "Class members" are individuals otherwise cash aid eligible who received an income tax refund and as a result had their cash aid reduced, denied or terminated during the retroactive period.
- .213 "Good Cause" means those situations when a claimant is suffering from a mental or physical condition which prevents the timely completion and return of form(s) or when a claimant's failure to submit a timely and complete form(s) is directly attributable to county error or when the county finds other extenuating circumstances which prevent the timely completion and return of a form(s).
- .214 "Release of Tax Information Form" means the SDSS designed forms (Temp 1706C and Temp 1706D), signed by the claimant to give permission for the CWD to secure claim verification information from the

Internal Revenue Service (IRS), and/or the Franchise Tax Board (FTB).

.215 "Retroactive period" means the period of time between January 1, 1979 through March 31, 1980 and/or May 1, 1982 through August 31, 1982.

.216 "Supplemental Claim Form" (Temp 1706B) means the SDSS designed claiming document which is to be filled out by the claimant, and used when the claimant's case record is not available or the information contained in the claimant's case record is not sufficient to permit the determination of eligibility for retroactive benefits.

.3 Informing Potentially Eligible Persons of the Availability of Retroactive Benefits

.31 In order to notify potentially eligible persons SDSS shall:

.311 On or before March 1, 1988, send by first class mail an Informing/Claiming Notice (Temp 1706), printed in both English and Spanish, to all AFDC recipients who received an income tax refund in the periods January 1979 through March 1980 and/or May 1982 through August 1982.

.312 Issue posters (Temp 1706E) printed in both English and Spanish informing the general public of the availability of benefits.

.313 Provide CWDs with reproducible copies in English and Spanish of the Informing/Claiming Notice (Temp 1706A), the Supplemental Claim Form (Temp 1706B), and the FTB and IRS Release of Tax Information Forms (Temp 1706C and Temp 1706D).

.32 County Responsibilities

.321 All counties shall post English and Spanish informing posters supplied by SDSS in conspicuous locations in all CWD offices from March 1, 1988 through May 31, 1988.

.322 All counties shall reproduce a supply of the Informing/Claiming Notice (Temp 1706A), and shall give or mail such notices to anyone upon request.

HANDBOOK

- .323 If more than one CWD is listed on the Claim Form (Temp 1706) or on the Release of Tax Information Form (Temp 1706C), the CWD shall photocopy and forward within 15 working days all claiming documents to each CWD listed.

.4 Application for Retroactive Benefits

.41 Claimant Responsibilities:

- .411 The claimant shall complete and sign under the penalty of perjury the Informing/Claiming Notice (Temp 1706 or Temp 1706A).

(a) The Informing/Claiming Notice shall be considered complete when the claimant has provided a response to all the questions, and has provided a name, address, and social security number (SSN) or indication that claimant has no SSN.

- .412 If sufficient claim verification information is not available in the case file, the claimant shall complete and sign under the penalty of perjury the Supplemental Claim Form (Temp 1706B) and the Release of Tax Information Forms for FTB and/or IRS (Temp 1706C and Temp 1706D).

(a) The Supplemental Claim Form shall be considered complete when the claimant has provided a response to the required questions including the time period in which the income tax refund was received, the address where aid was received, and the number of people in the assistance unit.

- .413 The claimant shall submit a claim form (Temp 1706 or Temp 1706A) to the CWD in the county from which AFDC cash aid was received or was denied/discontinued during the time period(s) for which retroactive benefits are being claimed.

- .414 The claim form (Temp 1706 or Temp 1706A) shall be submitted by May 31, 1988.

(a) Unless the evidence indicates otherwise, the date the claim form is submitted shall be determined as follows:

- (1) The postmark date of the envelope when the claim is mailed to the CWD; or
- (2) The date stamped on the claim form by the CWD when the claim is delivered in person to the CWD; or
- (3) The date the claim form was signed by the claimant, when the date cannot be determined by either Sections 50-016.414(a)(1) or (2).

.42 CWD Responsibilities

- .421 The CWD shall stamp each claim form (Temp 1706 or Temp 1706A) with the date the form was received and shall retain all envelopes that were postmarked after May 31, 1988.
- .422 Claims submitted after the date specified in Section 50-016.414 shall be denied.
- .423 The CWD shall attempt to locate a case record for the claimant.
- .424 The CWD shall personally verify all signatures on the Release of Tax Information Forms (Temp 1706C and/or Temp 1706D), by comparing the signature on the form(s) to a signature on a valid driver's license, identification card from the Department of Motor Vehicles, or a signed social security card, except as provided in Section 50-016.513(a).

.5 Claim(s) Processing

- .51 The CWD shall review each claim form (Temp 1706 or Temp 1706A), to determine whether claimant may be a member of the class and whether claimant has provided a complete claim form pursuant to Section 50-016.411(a).
- .511 If the claimant answered no to any of the questions on the Informing/Claiming Notice (Temp 1706A), the claimant is not a member of the class and the CWD shall deny the claim without further review.
- .512 The CWD shall review the Claim Form (Temp 1706 and Temp 1706A), and request further information or clarification if the form is incomplete or the

information is internally inconsistent. If the requested information is not returned to the CWD within 30 days of the date mailed to the claimant, the claim shall be denied.

.513 In the event the case record cannot be located or the information contained in the case record is insufficient to confirm or deny class membership as defined in Section 50-016.212, the CWD shall mail Release of Tax Information Forms (Temp 1706C and/or Temp 1706D), and a Supplemental Claim Form (Temp 1706B) to the claimant.

(a) When a Release of Tax Information Form(s) (Temp 1706C and/or Temp 1706D), is required, the claimant shall provide to the county for signature verification a valid driver's license, identification card from the Department of Motor Vehicles, or a social security card which has been signed by that claimant. In the event that a verifiable signature cannot be presented in person, then a readable photocopy of the aforementioned identification may be submitted along with the Release of Tax Information Forms for review by the appropriate CWD.

.514 If the Release of Tax Information Form(s) (Temp 1706C and/or Temp 1706D), and the signature verification, and/or the Supplemental Claim Form (Temp 1706B) are not completed and returned to the CWD within 30 days of the date mailed to the claimant without good cause, the claim shall be denied.

(a) If one or more of the forms mentioned in Section 50-016.514 is returned without the other required forms, the CWD shall send a Notice of Action (NOA) to the claimant informing him/her that he/she must return all the missing forms within 15 days or be denied.

(b) If the claimant fails to return one or more of the forms mentioned in Section 50-016.514 with good cause, the claimant will be permitted up to an additional 15 days to return the documents from the date the CWD determines that good cause exists.

(c) The date the Release of Tax Information Form (Temp 1706C and Temp 1706D) and the Supplemental Claim Form (Temp 1706B) are returned to the CWD is the date of the postmark when mailed, or the date of receipt by the CWD when hand-delivered.

.515 Claimants may be requested to supply documentation where such documentation is actually in the claimant's possession. Where claimants do not have documentation in their possession they may be asked to sign a Release of Information Form (ABCDM 229), enabling the county to obtain information on their behalf. A claim will not be denied if the claimant fails to provide documentation in his/her possession or sign the Release of Information Form.

.516 Where the case file contains insufficient information to verify a claim, the Release of Tax Information Forms (Temp 1706C and Temp 1706D) shall be mailed to the IRS and/or the FTR to obtain claim verification information.

.517 If the CWD determines that the claimant is not a member of the class, the CWD shall send an NOA and deny the claim. The CWD shall review all existing records and shall deny the claim if no record can be found that the claimant applied for or received cash aid. This provision applies only when the CWD can certify that a listing of cash aid cases (such as the AFDC payroll or warrant register) was retained in addition to cash aid case records for the time period claimed. In addition, this provision can be applied to claimants who were denied cash aid only when the CWD can certify that existing cash aid case records include all denials.

.52 If a CWD receives a claim for any period in which the CWD can determine that the form has been submitted to the wrong county, the CWD shall:

.521 Forward within 15 working days from the date of receipt, the claim form (Temp 1706 or Temp 1706A) or a copy thereof to the correct CWD with a copy of the NOA sent to the claimant, indicating the claim period to be processed by the second CWD, when the correct CWD can be determined by the information on the claim form or case record. In

addition, the CWD shall inform the claimant on that same NOA, that for the period in question, his/her claim has been forwarded to the correct CWD for processing.

(a) The date the claim form is submitted to the first CWD, as determined in Section 50-016.414, shall be considered the date of submission to the second CWD.

.522 Where the correct CWD cannot be determined from the information in the case file or warrant registers, the CWD identified by FTB on the claim form (Temp 1705) or the Release of Tax Information Form (Temp 1706C) shall be considered the correct CWD.

.6 Calculation of Retroactive Benefits:

.61 The CWD shall determine the amount of retroactive benefits as follows:

.611 When the case record and/or warrant registers contain sufficient information to verify a claim, the amount of the retroactive benefits will be the difference between the old grant amount and the new grant amount when adjusted by counting income tax refunds as property rather than as income.

.612 When case record information and warrant registers are insufficient to verify a claim for the first retroactive period (January, 1979 through March, 1980) the CWD will calculate the retroactive benefit amount(s) to be the amount of the income tax refund or the Maximum Aid Payment (MAP), whichever is less. For the second retroactive period (May, 1982 through August, 1982), the CWD shall calculate the retroactive benefit amount to be the amount of the income tax refund identified by IRS and/or FTB.

.62 A CWD shall determine the amount of cash aid which should have been received and compare it to the corrected grant or the MAP as instructed in Section 50-016.6.

.621 If the cash aid received was less than the MAP for any month in the retroactive period due to the receipt of an income tax refund, the difference between the cash aid amount received and MAP or

the corrected grant amount will be the retroactive benefit for that month.

.7 Computation and Delivery of Retroactive Payments

.71 For claims submitted for a grant reduction, termination or denial which occurred before January 1, 1981, four calculations will be made.

.711 Determine the amount of the retroactive benefit from the information in the case file or from information supplied by the FTB and/or the IRS (See Section 50-016.6).

.712 Multiply the amount of the monthly retroactive benefit by the appropriate percentage as set forth in Section 50-016.79.

.713 Multiply the same retroactive benefit amount by the appropriate percentage for the month in which the payment is authorized as set forth in Section 50-016.791.

.714 Add amounts in Sections 50-016.711, .712 and .713 to arrive at the retroactive payment.

.72 Examples

.721 For a claim submitted for a grant reduction, termination or denial which occurred before January 1, 1981.

<u>(Month of Retroactive Benefit)</u>	<u>February 1980</u>	<u>= \$300</u>
<u>(Interest percentage to be paid for the 7% period)</u>	<u>x January 1981 Interest Amount</u>	<u>= x.0640 = \$19.20</u>
<u>(Interest percentage to be paid in the payment authorization month)</u>	<u>February 1980 x March 1988 Interest Amount</u>	<u>= \$300 = x.7246 = \$217.38</u>

.722 Add the amount of the retroactive benefit to the interest computed above to determine the retroactive payment.

<u>Retroactive Benefit</u>	<u>+</u>	<u>Interest</u>	<u>+</u>	<u>Interest</u>	<u>=</u>	<u>Retroactive Payment</u>
<u>\$300.00</u>		<u>\$19.20</u>		<u>\$217.38</u>		<u>\$536.58</u>

.73 For claims submitted for a grant reduction, termination or denial which occurred after January 1, 1981 three calculations will be made:

.731 Determine the amount of the retroactive benefit an individual class member received for each claim of retroactive eligibility.

.732 Multiply the amount of the retroactive benefit by the appropriate percentage for the month in which payment is authorized, as set forth in Section 50-016.792.

.733 Add amounts in Sections 50-016.731 and .732 to arrive at the retroactive payment.

.74 Examples

.741 For a claim submitted for a grant reduction, termination or denial which occurred after January 1, 1981.

<u>(Month of Retroactive Benefit)</u>	<u>June 1982</u>	<u>= \$300</u>
<u>(Interest Percentage to be paid in payment authorization month)</u>	<u>x March 1988</u>	<u>= x.5836</u>
	<u>Interest Amount</u>	<u>= \$175.08</u>

.742 Add the amount of the monthly retroactive benefit to the interest computed above to determine the retroactive payment.

<u>Retroactive Benefit + Interest</u>	<u>= Retroactive Benefit</u>
<u>\$300 \$175.08</u>	<u>\$475.08</u>

.75 If a claimant has his grant reduced, terminated or denied due to the receipt of an income tax refund for more than the one month in the retroactive periods, add all retroactive payments together to arrive at a total retroactive payment.

.76 Retroactive benefits received shall not be used to offset an overpayment incurred before August 31, 1982.

.77 Determine the total retroactive payment and send the appropriate NDA as specified by SDSS within 90 days of the date the claim is received if case record

information is available. If tax record information must be requested from the FTE and/or the IRS, an additional 30 days after the information is received by the CWD will be permitted for processing.

.78 Maximum Aid Payments in the Retroactive Periods

<u>Size of</u> <u>FBU</u>	<u>Maximum Aid</u>		
	<u>1/01/79-</u> <u>6/30/79</u>	<u>7/01/79-</u> <u>6/30/80</u>	<u>7/01/81-</u> <u>6/30/82</u>
1	\$175	\$201	\$248
2	287	331	408
3	356	410	506
4	423	487	601
5	483	556	686
6	543	625	771
7	596	686	846
8	649	747	922
9	701	807	996
<u>10 or</u> <u>more</u>	754	868	1,071

.79 Seven Percent (7%) Interest Factor Table

January 1979 through December 1980*

<u>Retroactive Benefit</u>	<u>December 1980</u>
<u>January 1979</u>	<u>.1400</u>
<u>February 1979</u>	<u>.1340</u>
<u>March 1979</u>	<u>.1287</u>
<u>April 1979</u>	<u>.1227</u>
<u>May 1979</u>	<u>.1170</u>
<u>June 1979</u>	<u>.1110</u>
<u>July 1979</u>	<u>.1053</u>
<u>August 1979</u>	<u>.0993</u>
<u>September 1979</u>	<u>.0934</u>
<u>October 1979</u>	<u>.0876</u>
<u>November 1979</u>	<u>.0817</u>
<u>December 1979</u>	<u>.0759</u>
<u>January 1980</u>	<u>.0700</u>
<u>February 1980</u>	<u>.0640</u>
<u>March 1980</u>	<u>.0587</u>

* SDSS is paying seven percent (7%) simple interest on retroactive benefits for the period prior to January 1981. The interest factors shown above provide the

factor to be used in the first step of computing retroactive benefits for claims submitted for benefit months prior to January 1981.

.791

Ten Percent (10%) Interest Factor Table* January 1981 through November 1988 Payment Authorization Month

<u>Retroactive Benefit Month</u>	<u>03/88</u>	<u>04/88</u>	<u>05/88</u>	<u>06/88</u>	<u>07/88</u>	<u>08/88</u>	<u>09/88</u>	<u>10/88</u>	<u>11/88</u>
Jan. 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Feb. 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Mar. 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Apr. 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
May 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
June 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
July 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Aug. 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Sept. 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Oct. 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Nov. 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Dec. 1979	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Jan. 1980	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Feb. 1980	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915
Mar. 1980	.7246	.7329	.7414	.7496	.7581	.7666	.7748	.7833	.7915

* SDSS is paying ten percent (10%) simple interest on retroactive benefits for the period after January 1981. The interest factors shown above provide the factor to be used in the second step of computing retroactive benefits for claims submitted for benefit months prior to January 1981.

.792

Ten Percent (10%) Interest Factor Table May 1982 through November 1988* Payment Authorization Month

<u>Retroactive Benefit Month</u>	<u>03/88</u>	<u>04/88</u>	<u>05/88</u>	<u>06/88</u>	<u>07/88</u>	<u>08/88</u>	<u>09/88</u>	<u>10/88</u>	<u>11/88</u>
May 1982	.5920	.6003	.6088	.6167	.6252	.6337	.6419	.6504	.6586
June 1982	.5836	.5918	.6003	.6082	.6167	.6252	.6334	.6419	.6501
July 1982	.5753	.5836	.5920	.6000	.6085	.6170	.6252	.6337	.6419
Aug. 1982	.5668	.5751	.5836	.5915	.6000	.6085	.6167	.6252	.6334

.8 Statistical Reporting

The CWD shall submit to SDSS a statistical report no later than November 1, 1988 containing the following information:

- (a) Number of claims received
- (b) Number of claims paid
- (c) Amount of the benefits paid
- (d) Number of claims denied
- (e) Reasons for denial

Authority Cited: Sections 10553 and 10554, Welfare and Institution Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code, and Vaessen v. Woods (1984) 35 Cal. 3d 749, and Vaessen v. McMahon, Stipulated Judgement and Order Approving Settlement, Los Angeles Superior Court, September 17, 1987, *No. CA 000563*.

OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

FILED

In the office of the Secretary of State
of the State of California

FEB 01 1988

At 4:27 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Robert Bates*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0122-03E

Linda Stockdale Brewer
**LINDA STOCKDALE BREWER
DIRECTOR**

2-1-88

Date

RESUBMITTAL

88-010603

RDB #1084-50R
(See Instructions on Reverse)

JAN 03 1988

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
FEB 05 1988

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

L. S. Mahab

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 1-5-88

FILED

In this office of the Secretary of State
of the State of California

FEB 05 1988

At 4:01 o'clock P.M.

MARCH FONG EU, Secretary of State

By *[Signature]*
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
ROSAIE CLARK CHIEF, REGULATIONS DEVELOPMENT 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED: SEE ATTACHED PAGE
SECTIONS AMENDED: 101158, 101252, 101178, 101182, & 101191
SECTIONS REPEALED: 101326.1, & 101329.1
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: 87-0730-05
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
AUGUST 1, 1986
b. DATE OF FINAL AGENCY ACTION
JANUARY 5, 1988
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
NOVEMBER 18, thru DECEMBER 18, 1987
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

RESUBMITTAL

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

SECTIONS ADOPTED:

Subchapter 3

Article 1.

101451, 101452

Article 2.

Article 3.

Article 4.

Article 5.

Article 6.

101515, 101516.2, 101516.5, 10520,
101520.1, 101521, 101526.1, 101527,
101529.1, 101538.2, 101538.3, & 101539

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Amend Sections 101158(a)(6) and (7), to read:

101158 EXEMPTION FROM LICENSURE (Continued)

101158

(a) The child day care facility regulations contained in this division shall not apply to any of the following: (Continued)

(6) Public and private schools which operate a program before and/or after school for school-age children providing all of the following conditions are met:

(A) The program offered by a school must be operated by the school and run by qualified teachers employed by the school or the school district.

(B) An outside organization or individual using a public or private school site to operate a child care program is subject to licensure, even if the program is open only to the children enrolled at that school.

(7) Public and private recreation programs as specified in Health and Safety Code Sections 1596.792 and 1596.793.

(A) Health and Safety Code Section 1596.792 provides in part:

1. "Public recreation program" means a program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county which meets either of the following criteria:

(a) The program is provided for children over the age of four years and nine months and is in operation for either of the following periods:

(i) For under 13 hours per week.

(ii) For more than 12 hours per week and is for 12 weeks or less per year in duration.

(b) The program is provided to children under the age of four years and nine months with sessions which run 12

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hours per week or less and are 12 weeks or less in duration.

(B) Health and Safety Code Section 1596.793 states:

1. This Chapter and Chapter 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30) do not apply to recreation programs conducted for children by the Girl Scouts, Boy Scouts, Boys Club, Girls Club, Camp Fire, or similar organizations as determined by regulations of this department. Child day care programs conducted by these organizations and the fees charged for that specific purpose are subject to the requirements of this chapter, Chapter 3.5 (commencing with Section 1596.90), and Chapter 3.6 (commencing with Section 1597.30).

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.792, 1596.793, and 1596.81, Health and Safety Code.

Amend Section 101178(a) to read:

101178 INITIAL APPLICATION REVIEW

101178

(a) If the applicant has not submitted all materials specified in Section 101169 within 90 days of receipt of the application by the licensing agency, the licensing agency shall give written notice to the applicant that the application is incomplete and shall describe what materials are required to be submitted in order to constitute a completed application.

(1) (Continued)

(A) (Continued)

(b) (Continued)

Authority Cited: Section 1596.81, Health and Safety Code, and Section 15376, Government Code.

Reference: Section 15376, Government Code.

Amend Section 101182 to read:

101182 ISSUANCE OF LICENSE

101182

- (a) The licensing agency shall issue a license to an applicant in accordance with the provisions of Health and Safety Code Section 1597.11 after a completed application has been compiled and upon determination that all licensing requirements have been met.

(1) Health and Safety Code Section 1597.11 states:

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The department and any local agency with which it contracts for the licensing of day care centers shall grant or deny an application for license within 30 days after receipt of all appropriate licensing application materials, as determined by the department, after a site visit has been completed and the facility has been found to be in compliance with licensing standards. The department shall conduct an initial site visit within 30 days after the receipt of all appropriate licensing application materials.

- (b) ~~The licensing agency shall notify the applicant in writing of the issuance of the license.~~ Issuance of a license shall constitute written notice that the application is complete and has been granted.

(c) (Continued)

Authority Cited: Sections 1596.81 and 1597.11, Health and Safety Code.

Reference: Sections 15374 and 15376, Government Code.

Amend Section 101191 to read:

101191 DENIAL OF INITIAL LICENSE

101191

(a) Except as specified in Section 101181, which provides for issuance of a provisional license based upon substantial compliance and urgent need, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulation and shall issue the denial in accordance with Health and Safety Code Section 1597.11.

Authority Cited: Sections 1596.81 and 1597.11, Health and Safety Code.

Reference: Sections 15374 and 15376 Government Code.

Amend Section 101252(a)(1) to read:

101252 DEFINITIONS

101252

(a) Continued

(1) "Combination Center" means any combination of child day care center, infant center and school-age child day care center, owned and operated by one licensee at a common address as specified in Section 101150.

†††(2) (Continued)

†††(3) (Continued)

†††(4) (Continued)

†††(5) (Continued)

†††(6) (Continued)

†††(7) (Continued)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.74, 1596.75, 1596.76, ~~1596.770~~ and 1596.81, Health and Safety Code.

Repeal Section 101326.1(c) and (c)(1)

101326.1 DAILY INSPECTION FOR ILLNESS

101326.1

(e) School-age children who come to the center from schools or by public transportation shall not be required to sign in but shall be inspected for obvious signs of illness.

(1) If the child is found to be ill the procedures specified in Section 101326(b), (c) or (d) or 101326.2 shall be followed.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, and 1597.05, Health and Safety Code.

Repeal Section 101329.1(b) and renumber 101329.1(c) to read:

101329.1 SIGN IN AND SIGN OUT (Continued)

101329.1

(b) The center shall be permitted to exempt from the sign out procedure those school-age children whose parents have agreed to allow their children to leave the center on their own.

(c)(b) (Continued)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, and 1597.05, Health and Safety Code.

Adopt new Subchapter and Article Heading to read:

Subchapter 3. School-Age Child Day Care Center

Article 1. General Requirements and Definitions

Adopt new Section 101451 to read:

101451 GENERAL

101451

(a) School-age child day care centers providing group care to children shall be governed by the provisions specified in this subchapter. In addition, such facilities, except where specified otherwise, shall be governed by Chapter 1, Child Day Care General Licensing Requirements, and by Chapter 2, Day Care Centers, Subchapter 1, Basic Requirements.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, and 1596.81, Health and Safety Code.

Adopt new Section 101452 to read:

101452 DEFINITIONS

101452

(a) In addition to Sections 101152 and 101252, the following definitions as used throughout Subchapter 3, School-Age Child Day Care Center, shall apply.

(1) "School-Age Child" means any child who meets one of the following:

(A) Has entered the first grade or above;

(B) Is in a day care program providing care and supervision, exclusively to children enrolled in kindergarten and above.

(2) "School-Age Child Day Care Center" means any facility or part of a facility of any capacity where less than 24-hour, nonmedical care and supervision are provided in a group setting to school-age children.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, and 1596.81, Health and Safety Code.

Adopt new Article headings to read:

Article 3. Application Procedures (reserved)

Article 4. Administrative Actions (reserved)

Article 5. Enforcement Provisions (reserved)

Article 6. Continuing Requirements

Adopt new Section 101515 to read:

101515 SCHOOL-AGE CHILD DAY CARE CENTER DIRECTOR 101515
QUALIFICATIONS AND DUTIES

(a) In addition to Sections 101215 and 101315, the following shall apply:

(b) All school-age child day care centers shall have a director.

(1) In a combination program which has a school-age child day care center component, the director of the child day care center shall maintain ultimate responsibility, in the capacity as director, for the combined program; a separate director for the school-age child day care center shall not be required.

(A) In a combination program, the director shall designate a fully qualified teacher as specified in Section 101516.2 for the school-age child day care center component.

(B) The director of the child day care center within the combination program shall maintain administrative responsibility for the overall program and provide direct supervision and guidance.

(c) As an alternative educational prerequisite, the director may substitute six units appropriate to elementary school-age children, on a unit-per-unit basis, any one or a combination of the following:

- (1) Recreation, which includes but is not limited to, art, music, and dance relevant to elementary school-age children.
- (2) Physical education, which includes but is not limited to, indoor and outdoor sports activities relevant to elementary school-age children.
- (3) Units earned toward an elementary teaching credential.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.81, 1596.95, and 1597.055, Health and Safety Code.

Adopt new Section 101516.2 to read:

101516.2 SCHOOL-AGE CHILD DAY CARE CENTER TEACHER
QUALIFICATIONS AND DUTIES

101516.2

- (a) In addition to Section 101316.2, the following shall apply:
- (b) As an alternative educational prerequisite to the requirements of Section 101316.2, school-age child day care center staff may substitute 12 units appropriate to elementary school-age children on a unit-per-unit basis, any one or a combination of the following:
- (1) Recreation, which includes but is not limited to, art, music, and dance relevant to elementary school-age children.
 - (2) Physical education, which includes but is not limited to, indoor and outdoor sports activities relevant to elementary school-age children.
 - (3) Units earned toward an elementary teaching credential.
- (c) In a combination program, a fully qualified teacher as specified in Section 101316.2 shall be designated to work closely with the director in planning the daily activities of the school-age child day care component.
- (1) The designated teacher shall maintain responsibility for the overall operation of the school-age child day care center component under the direction and supervision of the director of the child day care center component.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.81, and 1597.055, Health and Safety Code.

Adopt new Section 101516.5 to read:

101516.5 TEACHER-CHILD RATIO

101516.5

- (a) In addition to Section 101316.5(c), (e), (g) and (h), and notwithstanding Section 101316.5(a), (b), (d) and (f), the following shall apply:
- (b) There shall be a staffing ratio of one teacher and one aide present to every 28 children in attendance.
- (1) A teacher shall supervise no more than 14 children or with an aide a maximum of 28 children.

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<u>Number of Children</u>	<u>Minimum Staff Required</u>
1 - 14	1 Teacher
15 - 28	1 Teacher and 1 Aide
29 - 42	2 Teachers and 1 Aide
43 - 56	2 Teachers and 2 Aides

- (c) Staffing requirements for mixed age groups shall be determined on the basis of the age of the youngest child within the group.
- (d) The director shall be permitted to be counted in the ratio when actually working with a group of children, except as specified below.
- (1) In a combination program, when the school-age children are present, the director shall not be counted in the teacher-child ratios.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.81, and 1597.055, Health and Safety Code.

Adopt new Section 101520 to read:

101520 MEDICAL ASSESSMENTS

101520

(a) Notwithstanding Sections 101220 and 101320, the following shall apply:

(1) The licensee shall not be required to document medical assessments on school-age children who are enrolled in a public or private school.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, and 1597.05, Health and Safety Code.

Adopt new Section 101520.1 to read:

101520.1 IMMUNIZATIONS

101520.1

(a) Notwithstanding Section 101320.1, the following shall apply:

- (1) The licensee shall not be required to document immunizations of children also enrolled in a public or private elementary school.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, and 1597.05, Health and Safety Code.

Adopt new Section 101521 to read:

101521 CHILD'S RECORDS

101521

(a) In addition to Section 101221 except (b)(8), and in addition to Section 101321, the following shall apply:

(b) The licensee shall obtain from the child's parent a health background related to the child's ability/inability to participate in facility activities.

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(1) A health background should include but is not limited to the following information:

(A) Past illnesses or serious injuries.

(B) Allergies, including food allergies.

(C) Conditions requiring special attention in the child day care center.

(D) Special problems or fears.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, and 1597.05, Health and Safety Code.

Adopt New Section 101526.1 to read:

101526.1 DAILY INSPECTION FOR ILLNESS

101526.1

- (a) In addition to Section 101326.1 the following shall apply:
- (b) Upon arrival at or admittance to the center, school-age children shall be observed for signs of illness and those children arriving on their own shall be signed in by center staff.
 - (1) If the child is found to be ill, the procedure specified in Section 101326(b), (c) or (d), or 101326.2 shall be followed.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, and 1596.81, Health and Safety Code.

Adopt new Section 101527 to read:

101527 FOOD SERVICE

101527

(a) In addition to Section 101327, the following shall apply:

(b) Center programs providing before and/or after school care shall make available and offer nutritious snacks to children.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, and 1596.81, Health and Safety Code.

Adopt new Section 101529.1(a) to read:

101529.1 SIGN IN AND SIGN OUT

101529.1

(a) In addition to Section 101329.1 the following shall apply:

(b) Center staff shall be required to sign out those school-age children whose parents have agreed in writing to allow their children to leave the center on their own.

(1) The signed agreements between centers and parents, where school-age children are permitted to leave the center on their own, shall be verified by signature and dated by the director and parents.

(2) The signed agreements shall be filed in the children's records.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, and 1597.05, Health and Safety Code.

Adopt new Section 101538.2 to read:

101538.2 OUTDOOR ACTIVITY SPACE

101538.2

- (a) In addition to Section 101338.2, the following shall apply:
- (b) In combination programs, outdoor activity space provided for school-age child day care center children shall be physically separated from space provided for other day care center children.
- (1) Physical separation between school-age and other day care center children shall not apply when a planned activity is being conducted.
- (c) School age child day care programs which meet the requirements of Health and Safety Code Section 1596.806 are exempt from square footage requirements.

(1) Health and Safety Code Section 1596.806 states:

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- (A) Extended day care programs for children who are four years and nine months or older and are currently enrolled in the school or are dependent children living within the same household as a child attending the school, operated on a functioning school site in the same facilities that have housed school children during the day, before or after school hours or before and after school hours, by an entity which contracts with the school to provide staff and program, shall not be required to meet the square footage or toilet requirements for child day care centers.

- (d) The exemption from square footage requirements is only valid if the entire program is operated in accordance with Health and Safety Code Section 1596.806.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.806 and 1596.81, Health and Safety Code.

Adopt new Section 101538.3 to read:

101538.3 INDOOR ACTIVITY SPACE

101538.3

- (a) In addition to Section 101338.3, the following shall apply:
- (b) In combination programs, indoor activity space provided for school-age child day care center children shall be physically separated from space provided for infant care and child day care center children.
- (1) Movable walls or partitions, if used, shall be no less than four feet in height and shall be safe for use around children.
- (2) Physical separation between school-age and other day care center children shall not apply when a planned activity is being conducted.
- (c) School-age child day care programs which meet the requirement of Health and Safety Code Section 1596.806 are exempt from square footage requirements.

(1) Health and Safety Code Section 1596.806 states:

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- (A) Extended day care programs for children who are four years and nine months or older and are currently enrolled in the school or are dependent children living within the same household as a child attending the school, operated on a functioning school site in the same facilities that have housed school children during the day, before or after school hours or before and after school hours, by an entity which contracts with the school to provide staff and program, shall not be required to meet the square footage or toilet requirements for child day care centers.

- (d) The capacity per room shall not exceed the number of children for which a room of this size is commonly approved for school use during the school day.
- (e) The exemption from the square footage requirement shall be as specified in Section 101538.2.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.806, and
1596.81, Health and Safety Code.

Adopt new Section 101539 to read:

101539 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES

101539

(a) In addition to Section 101339, the following shall apply:

(1) Toilets used by school-age children shall provide individual privacy.

(A) Toilet facilities shall not be used simultaneously by children of both sexes.

(b) School-age child day care programs which meet the requirements of Health and Safety Code Section 1596.806 are exempt from toilet requirements.

(1) Health and Safety Code Section 1596.806 states:

(A) Extended day care programs for children who are four years and nine months or older and are currently enrolled in the school or are dependent children living within the same household as a child attending the school, operated on a functioning school site in the same facilities that have housed school children during the day, before or after school hours or before and after school hours, by an entity which contracts with the school to provide staff and program, shall not be required to meet the square footage or toilet requirements for child day care centers.

(c) The room capacity and exemption from toilet requirements shall be as specified in Section 101538.2.

Authority Cited: Section 1596.81, Health and Safety Code.

References: Sections 1596.72, 1596.73, 1596.806, and 1596.81, Health and Safety Code.

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OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

FILED

In this office of the Secretary of State
of the State of California

FEB 05 1988

At 4:00 o'clock P.M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0106-03

[Signature]
LINDA STOCKDALE BREWER
DIRECTOR

2-4-88
Date

JAN 10, 1988

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

FEB 05 1988

Office of Administrative Law

For use of Office of Adm Law

REGULAR

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

John S. McNeil

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

1-4-88

88-0106-05

(See Instructions on Reverse)

RDB #0687-30

FILED

In this office of the Secretary of State
of the State of California.

FEB 05 1988

At 4:01 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Robert D. Baker*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED:
SECTIONS AMENDED: 80019(c), (f), and (g); 87019(b), (e) & (f); 101170(a), (c), & (f);
and 102369(b)
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
September 4, 1987
b. DATE OF FINAL AGENCY ACTION
JAN 4 1988
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Amend Section 80019(c)(1) and Handbook Section 80019(c)(2)(A) to read:

80019 CRIMINAL RECORD CLEARANCE (Continued)

80019

(c) All persons subject to criminal record review shall, prior to employment, residence or initial presence in the facility be fingerprinted and sign a statement regarding prior criminal convictions as specified in Section 80065(i).

(1) Completed fingerprint cards shall be submitted to the licensing agency within 20 days following employment, residence or initial presence in the facility as specified in Health and Safety Code Section 1522.

(2) Section 1522(c) of the Health and Safety Code provides in part:

(A) Subsequent to initial licensure, any person specified in subdivision (b) and not exempted from fingerprinting shall, as a condition to employment, residence, or presence in a community care facility, be fingerprinted and sign a declaration under penalty of perjury regarding any prior criminal convictions. The licensee shall submit these fingerprints to the licensing agency not later than 20 four calendar days following employment, residence, or initial presence in the community care facility.

HANDBOOK

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1522, 1531, and 1564 of the Health and Safety Code.

Amend Handbook Sections 80019(f)(5), (6), (7), (8), and (9) to read:

80019 CRIMINAL RECORD CLEARANCE (Continued)

80019

(f) (Continued)

(5) Section 1522(c) of the Health and Safety Code provides in part:

(A) If it is determined by the State Department of Social Services, on the basis of the fingerprints submitted to the Department of Justice, that the person has been convicted of a sex offense against a minor, or has been convicted for an offense specified in Section 243.4, 273a or 273d of the Penal Code, or has been convicted of a felony, the State Department of Social Services shall notify the licensee to act immediately to terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility. The State Department of Social Services may subsequently grant an exemption pursuant to subdivision (e).

(6) Section 243.4 of the Penal Code provides:

(A) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, gratification, or abuse, is guilty of sexual battery. Such an act is punishable by either imprisonment in the county jail for not more than one year or in the state prison for two, three, or four years.

(B) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, gratification, or abuse, is guilty of sexual battery. Such an act is punishable by either imprisonment in the county jail for not more than one year or in the state prison for two, three, or four years.

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(67) Section 273a and 273d of the Penal Code provides:

- (A) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 4, or 6 years.
- (B) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(8) Section 273d of the Penal Code provides:

- (EA) Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 4, or 6 years, or in the county jail for not more than one year.

(9) Section 1522(c) of the Health and Safety Code provides in part:

- (7A) If the conviction was for another crime, except a minor traffic violation, the licensee shall, upon notification by the State Department of Social Services, act immediately to either (1) terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility; or (2) seek an exemption pursuant to subdivision (e). The State Department of Social Services shall determine if the person shall be allowed to remain

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in the facility until a decision on the exemption
is rendered.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1522 and 1564, Health and Safety Code.

Amend Handbook Section 80019(g)(2) to read:

80019 CRIMINAL RECORD CLEARANCE (Continued)

80019

(g) (2) Section 1522(e) of the Health and Safety Code provides in part:

(A) ~~However, no~~ No exemption shall be granted pursuant to this subdivision if the conviction was for an offense specified in Sections 220, 243.4, or 264.1, or paragraph (1) of Section 273a, or Sections 273d, 288, or 289 of the Penal Code, or was a conviction of another crime against an individual specified in paragraphs (3), (4), (5), or (6) of subdivision (c) of Section 667.5 of the Penal Code.

(B) However, the director may grant an exemption if the employee or prospective employee, who was convicted of a crime against an individual in paragraphs (1), (2), (7), or (8) of subdivision (c) of Section 667.5 of the Penal Code, has been rehabilitated as provided in Section 4852.03 of the Penal Code and has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years and has the recommendation of the district attorney representing the employee's county of residence, or if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(A3) Section 667.5(c) of the Penal Code provides in part:

(A) For the purpose of this section, "violent felony" shall mean any of the following: (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1522 and 1564, Health and Safety Code.

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Amend Section 87019(b) and Handbook Section 87019(b)(1) to read:

87019 CRIMINAL RECORD CLEARANCE (Continued)

87019

(b) All of the persons subject to criminal record review shall submit a completed fingerprinting card(s) to the licensing agency ~~prior to~~ or within 20 days following employment, ~~residence or initial presence in the home as specified in~~ Health and Safety Code Section 1522.

(1) Section 1522(c) of the Health and Safety Code provides in part:

Subsequent to initial licensure, any person specified in subdivision (b) and not exempted from fingerprinting shall, as a condition to employment, residence, or presence in a community care facility, be fingerprinted and sign a declaration under penalty of perjury regarding any prior criminal convictions. The licensee shall submit these fingerprints to the licensing agency not later than 20 four calendar days following employment, residence, or initial presence in the community care facility.

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Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1522 and 1531, Health and Safety Code.

Amend Handbook Sections 87019(e)(4), (5), (6), and (7) to read:

87019 CRIMINAL RECORD CLEARANCE (Continued)

87019

(e) (Continued)

(4) Section 1522(c) of the Health and Safety Code provides in part:

(A) If it is determined by the State Department of Social Services, on the basis of the fingerprints submitted to the Department of Justice, that the person has been convicted of a sex offense against a minor, or has been convicted for an offense specified in Section 243.4, 273a or 273d of the Penal Code, or has been convicted of a felony, the State Department of Social Services shall notify the licensee to act immediately to terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility. The State Department of Social Services may subsequently grant an exemption pursuant to subdivision (e).

(5) Section 243.4 of the Penal Code provides:

(A) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, gratification, or abuse, is guilty of sexual battery. Such an act is punishable by either imprisonment in the county jail for not more than one year or in the state prison for two, three, or four years.

(B) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, gratification, or abuse, is guilty of sexual battery. Such an act is punishable by either imprisonment in the county jail for not more than one year or in the state prison for two, three, or four years.

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(56) Section 273a of the Penal Code provides:

- (A) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care of custody of any child, willfully causes or permits the person or health of such child to be injured or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 4, or 6 years.
- (B) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(57) Section 273(d) of the Penal Code provides:

- (A) Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 4 or 6 years, or in the county jail for not more than one year.

(78) Section 1522(c) of the Health and Safety Code provides in part:

- (A) If the conviction was for another crime, except a minor traffic violation, the licensee shall, upon notification by the State Department of Social Services, act immediately to either (1) terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility; or (2) seek an exemption pursuant to subdivision (e). The State Department of Social Services shall determine if the person shall be allowed to remain

in the facility until a decision on the exemption is rendered.

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1522 and 1531, Health and Safety Code.

Amend Sections 87019(f)(2) and (3) to read:

87019 CRIMINAL RECORD CLEARANCE (Continued)

87019

(f) (Continued)

(2) Section 1522(e) of the Health and Safety Code provides in part:

(A) ~~However, no~~ No exemption shall be granted pursuant to this subdivision if the conviction was for an offense specified in Section 220, 243.4, or 264.1, or paragraph (1) of Section 273a, or Sections 273d, 288, or 289 of the Penal Code, or was a conviction of another crime against an individual specified in paragraph (3), (4), (5), or (6) of subdivision (c) of Section 667.5 of the Penal Code.

(B) ~~However, the director may grant an exemption if the employee or prospective employee, was convicted of another crime against an individual specified in paragraph (1), (2), (7), or (8) of subdivision (c) of Section 667.5 of the Penal Code, has been rehabilitated as provided in Section 4852.03 of the Penal Code and has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years and has the recommendation of the district attorney representing the employee's county of residence, or if the employee or prospective employee has received a certification of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.~~

(3) Section 667.5(c) of the Penal Code provides in part:

(A) For the purpose of this section, "violent felony" shall mean any of the following: (Continued)

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Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1522 and 1531, Health and Safety Code.

Amend Section 101170(c)(1) and Handbook Sections 101170(a)(1), (c)(2), (f)(5)(A), (f)(9), and (f)(9)(A) to read:

101170 CRIMINAL RECORD CLEARANCE (Continued)

101170

(a) (Continued)

- (1) Section 1596.871(a) of the Health and Safety Code provides in part states:

Before issuing a license or special permit to any person to operate or manage a day care facility, the department shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other person specified in subdivision (b) has ever been convicted of a crime other than a minor traffic violation. No fee shall be charged by the Department of Justice or the department for the fingerprinting of an applicant who will serve six or fewer children, or any family day care applicant for a license, or for obtaining a criminal record of such an applicant pursuant to this section. If it is found that the applicant or any other person specified in subdivision (b) has been convicted of a crime, other than a minor traffic violation, the application shall be denied, unless the director grants an exemption pursuant to subdivision (e) of Health and Safety Code Section 1596.871.

- (2) (Continued)

(b) (Continued)

(c) (Continued)

- (1) Completed fingerprint card(s) shall be submitted to the licensing agency within 20 days following employment, residence or initial presence in the facility, as specified in Health and Safety Code, Section 1596.871.

- (2) Section 1596.871(c) of the Health and Safety Code provides in part:

Subsequent to initial licensure, any person specified in subdivision (b) and not exempted from fingerprinting shall, as a condition to employment, residence, or presence in a child day care facility be fingerprinted and sign a declaration under penalty of perjury regarding any prior criminal conviction. The licensee

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shall submit these fingerprints to the licensing agency not later than 20 four calendar days following employment, residence, or initial presence in the child day care facility.

(d) (Continued)

(e) (Continued)

(f) (Continued)

(1) (Continued)

(2) (Continued)

(3) (Continued)

(4) (Continued)

(5) Section 1596.871(c) of the Health and Safety Code provides in part:

(A) If it is determined by the department, on the basis of fingerprints submitted to the Department of Justice, that the person has been convicted of a sex offense against a minor, or has been convicted of an offense specified in Section 243.4, 273a or 273d of the Penal Code, or has been convicted of a felony, the State Department of Social Services shall notify the licensee to act immediately to terminate the person's employment, remove the person from the child day care facility, or bar the person from entering the child day care facility. The department may subsequently grant an exemption pursuant to subdivision (e).

(6) (Continued)

(A) (Continued)

(B) (Continued)

(7) (Continued)

(A) (Continued)

(B) (Continued)

(8) (Continued)

(A) (Continued)

(9) Section 1596.871(c) of the Health and Safety Code further provides in part:

(A) If the conviction was for another crime, except a minor traffic violation, the licensee shall, upon notification by the State Department of Social Services, act immediately to either (1) terminate the person's employment, remove and bar the person from the child day care facility, or bar the person from entering the child day care facility; or (2) seek an exemption pursuant to subdivision (e). The department shall determine if the person shall be allowed to remain in the facility until a decision on the exemption is rendered.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.81 and 1596.871, Health and Safety Code.

Amend Handbook Sections 102369(b)(7)(A)(3) and (B) to read:

102369 APPLICATION FOR INITIAL LICENSE (Continued)

102369

(b) (Continued)

(7) (Continued)

Health and Safety Code Section 1596.871 provides in part:

(A) (Continued)

(1) (Continued)

(2) (Continued)

(3) Any staff person or employee who has frequent and routine contact with the children. In determining who has frequent contact, any volunteer who is in the facility shall be exempt unless the volunteer is used to replace or supplement staff in providing direct care and supervision of children in care. In determining who has routine contact, staff and employees under direct onsite supervision and who are not providing direct care and supervision or who have only occasional or intermittent contact with children in care shall be exempt. At the time of employment, all staff and employees required to be fingerprinted shall sign a statement regarding prior criminal convictions and be fingerprinted. Fingerprints shall be submitted to the licensing agency within 20 four calendar days following employment.

(4) (Continued)

(B) Section 1596.871(c) of the Health and Safety Code provides in part:

Subsequent to initial licensure, any person specified in subdivision (b) and not exempted from fingerprinting shall, as a condition to employment, residence, or presence in a child day care facility, be fingerprinted and sign a declaration under penalty of perjury regarding any prior criminal convictions. The licensee shall submit these fingerprints to the licensing agency not later than 20 four calendar days following employment, residence, or initial presence in the child day care facility.

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Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.871, 1597.54, and 1597.57,
Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

FILED
In this office of the Secretary of State
of the State of California

FEB 05 1988
At 4:01 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0106-05

[Signature]
LINDA STOCKDALE BREWER
DIRECTOR

2-4-88
Date

1-8-88

RDB #0787-38

88-0108-03C

(See Instructions on Reverse)

STATE OF CALIFORNIA
STD Form 400 (Rev. 8/85)

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED

In this office of the Secretary of State
of the State of California

FEB 08 1988

At 4:10 o'clock P.M.

MARCH EONG EU, Secretary of State

By [Signature]
Deputy Secretary of StateENDORSED
APPROVED FOR FILING
FEB 08 1988Office of Administrative Law
For use of Office of Adm Law

State Department of Social Services

(AGENCY)

[Signature]

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

1/8/88

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

NAME	TITLE	TELEPHONE
Rosalie Clark	Chief, Regulations Development Bureau	445-0313

2. Type of filing, (check one)

<input type="checkbox"/> 30-day Review	<input type="checkbox"/> Emergency	<input checked="" type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)		
<input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		

- 3. a. Specify California Administrative Code title and sections as follows:

Title	MPP
SECTIONS ADOPTED:	
SECTIONS AMENDED:	69-208.6 and .7; 69-209, 69-210, 69-211
SECTIONS REPEALED:	

b. The following sections listed in 3a contain modifications to the text originally made available to the public: 69-208.6.

- 4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

<input type="checkbox"/> prior to the emergency adoption
<input checked="" type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

- 5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
--	--

- 6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL: _____
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- 7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp)	<input type="checkbox"/> Building Standards Commission (Attach approval)
<input type="checkbox"/> State Fire Marshall (Attach approval)	<input checked="" type="checkbox"/> Department of Finance (Attach properly signed Std. 399)
<input type="checkbox"/> Other _____ (SPECIFY AGENCY)	

- 8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER
October 2, 1987

b. DATE OF FINAL AGENCY ACTION January 8, 1988	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c) December 21, 1987 thru January 4, 1987, inclusive
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- 9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State.
b. <input checked="" type="checkbox"/> Effective upon filing with the Secretary of State.
c. <input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s): _____
d. <input type="checkbox"/> Effective on _____ (Designate effective date <i>earlier than</i> 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).) Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
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INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Section 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on September 14, 1987, and which became effective on September 14, 1987.

Manual of Policies and Procedures, Division 69, Chapter 200, Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
69-208.6		
69-208.7		
69-209		
69-210		
69-211		

These regulations were presented at public hearing on November 18, 1987. As a result of the public hearing the following sections have been changed:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
69-208.6		



LINDA S. McMAHON
Director



Date

Renumber and amend 69-208.6 and .7 to 69-209, with subsections .1 through .6, to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

69-209 CAUSE DETERMINATIONS AND CONCILIATION 69-209

.1 General

If recipient fails or refuses to participate/cooperate in the RDP/RCA program as required, the CWD shall make a cause determination. If the recipient is found to be without good cause for nonparticipation/noncooperation, the CWD shall conciliate any dispute before the Notice of Action is issued. Cause determination and conciliation shall be completed within 30 calendar days of learning or being advised that the individual has failed or refused to participate/cooperate in the RDP/RCA program as required.

.2 Conditions Under Which Cause Determination Shall Be Made

Using the criteria found in Section 69-209.3, the CWD shall make a cause determination upon being advised that the nonexempt refugee who is an RDP or RCA applicant or recipient has:

- .21 Failed or refused to register or participate with a DSS-funded or CWD approved or referred employment-directed program as required; or
- .22 Failed or refused to register or to maintain registration with EDD as required; or
- .23 Failed or refused to comply with the requirements contained in Section 69-208.22; or
- .24 Failed or refused to comply with the requirements contained in Section 69-208.32; or
- .25 Failed or refused to meet the requirements contained in Section 69-208.5.

.3 Factors That Must Be Considered in Cause Determinations

The CWD must include the following determinations, as appropriate, in considering whether good cause exists for failure or refusal to meet or comply with requirements regarding registration, employment, and employment-directed education/training.

- .31 There must be a determination that a bona fide offer of employment or employment-directed education/training was made to the individual. A bona fide offer of employment or employment-directed education/training may originate from any source, approved or referred by the CWD (including DSS-funded program) and may be temporary, permanent, full-time, part-time, or seasonal work.
- .32 There must be a determination that the individual failed or refused to register or participate with a CWD approved or referred employment-directed program or failed or refused to accept the bona fide offer of employment or employment-directed education/training as planned, or that the individual quit or was discharged from employment or employment-directed education/training.
- .33 There must be a determination that a) EDD arranged an employer interview for the refugee or, b) EDD requested the refugee to report to EDD.
- .34 There must be a determination that the refugee a) failed or refused to register or maintain registration with EDD, b) failed or refused to accept a referral to or appear for an employment interview arranged by EDD, or c) failed or refused to report to EDD when requested.
- .35 The individual must be given an opportunity to explain why a) the offer was not accepted, b) the employment or employment-directed education/training was discontinued or c) why he/she failed or refused to comply with the EDD registration requirements or the requirements of the education/training program.
- .36 The individual must be informed of the effect the failure or refusal to accept or continue employment or employment-directed education/training, or failure or refusal to comply with the EDD registration requirements, without good cause, will have on his/her receipt of RDP or RCA.

.4 Good Cause for Failure or Refusal to Meet or Comply with the Registration, Employment and Employment-Directed Education/Training Requirements.

Good cause exists when:

- a. The employment-directed education/training or employment was available due directly to a bona fide strike or lockout; or
- b. The individual would be required to work for an employer contrary to the conditions of his/her existing membership in the union governing that occupation (employment not governed by the rules of a union in which the individual has membership may be deemed appropriate by the CWD); or
- c. The employment or training site violated applicable health and safety laws and regulations; or
- d. The employment or employment-directed education/training was in excess of the individual's mental or physical capacity. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health; or
- e. The offer of employment was from an employer who did not: possess an appropriate license to engage in his/her business; withhold or hold in trust the employee contributions required by Part 2 of Division 1 of the UI Code (Section 2601, et seq.) for unemployment compensation disability benefits or did not transmit all such employee contributions to EDD as required by Section 986 of the UI Code; carry either workers' compensation insurance or possess a certificate of self-insurance as required by Division 4 of the Labor Code (Section 3201, et seq.); or
- f. The wage does not meet or exceed the federal or state minimum wage law, whichever is applicable; or if such laws are not applicable, the wage is less favorable than the wage normally paid for similar work in that labor market, or, in any event, is less than three-fourths of the minimum wage rate; or

- g. The daily hours of work and the weekly hours of work exceed those customary to the occupation; or
- h. The individual was employed in bona fide employment more than 20 hours during that week, and the hours of such employment prevented the refugee from being able to fulfill the registration or employment-directed education/training requirements; or
- i. The individual had a definite offer of full-time employment (100 hours or more per month); or
- j. The individual has a definite promise of recall to full-time employment with a former regular employer to start within 30 calendar days of the failure to meet or comply with the requirements of Sections 69-208.1 through 69-208.3 and 69-208.51; or
- k. The individual was prevented from participating or reporting due to physical or mental incapacity; or
- l. The individual was ill or was required to care for an ill member of the FBU because no other care arrangements were feasible; or
- m. Child care arrangements could not be made; or
- n. The individual was without transportation due to circumstances beyond his/her control and was without other means of transportation; or
- o. The total daily commuting time to the employment or educational/training site and return, would normally exceed two hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and distance is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards; or
- p. The employment or training violated laws and regulations pertaining to discrimination based on age, sex, race, creed, color, or national origin; or
- q. The individual had other substantial and compelling reasons for failure to meet or comply with the requirements of Section 69-208.

.5 Conciliation

.51 If the CWD determines that no good cause existed for the failure or refusal to meet program requirements, the CWD shall try to resolve the recipient's failure or refusal to cooperate before the Notice of Action is issued. The CWD shall complete cause determination and conciliation within 30 calendar days of learning or being advised that the nonexempt refugee individual has failed or refused to participate/cooperate in the RDP/RCA program as required. The conciliation shall begin on the date of the cause determination.

.511 If the recipient contacts the CWD prior to the interview to request rescheduling, the interview shall be rescheduled.

.52 Conciliation may be terminated sooner by either the CWD or by the recipient's written request if at any time it is apparent to either that the dispute cannot be resolved.

.521 The CWD may end the conciliation early if it is apparent that the recipient will not cooperate, e.g., continues to refuse or to fail to report to CIU and/or training and employment services, or otherwise demonstrates unwillingness to cooperate. A timely Notice of Action shall be sent.

.522 The CWD shall inform the recipient of the right to terminate the conciliation and to receive assistance from the CWD in preparing the written request.

.53 In order to resolve the dispute during conciliation, the CWD may have to coordinate with the CIU and/or service provider.

.54 The CWD shall develop a written conciliation plan specifying the actions the recipient shall take to demonstrate cooperation with registration, employment, and employment-directed education/training requirements.

.541 The recipient has the right to propose an alternate conciliation plan. However, the CWD shall make the final decision regarding the terms of the plan.

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- .55 If the recipient follows the terms of the conciliation plan, he/she shall continue to participate in the RCA/RDP program.
- .551 The CWD shall notify the recipient in writing of the successful completion of conciliation.
- .56 If the conciliation process is unsuccessful in resolving the conflict, see Section 69-209.6 (Penalties for Failure or Refusal to Comply with the Registration, Employment and Employment-Directed Education/Training Requirements).

•6 Penalties for Failure or Refusal to Comply With the Registration, Employment and Employment-Directed Education/Training Requirements

•61 If the nonexempt RDP or RCA applicant or recipient has refused or failed, without good cause, to meet or comply with the requirements of Section 69-208.1 through 69-208.3 and 69-208.5, the CWD shall deny or discontinue benefits for that individual.

•611 Except as provided in Sections 69-208.5 and 69-208.73, a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence and six payment months for the second and subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible.

•612 Except as provided in Sections 69-208.5 and 69-208.73, the noncomplying individual shall be ineligible for RDP benefits for three payment months for the first occurrence and six payment months for the second and subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible, except that:

a. If the noncomplying individual is the unemployed parent, aid shall be discontinued to the entire assistance unit for the duration of the penalty period.

b. If the noncomplying individual is the caretaker relative, his/her aid shall be discontinued for the duration of the penalty period, and aid shall be continued to the remainder of the assistance unit in accordance with AFDC regulations.

•62 In the event aid is denied or discontinued, the following actions are required:

•621 The refugee shall be given at least ten days advance written notice of the termination of assistance and the reason(s) therefore. (See MPP Section 22-001.)

- .622 Discontinuance shall be effective at the end of the month in which the ten days expire.
- .623 If the noncomplying refugee is a caretaker relative, assistance in the form of protective or vendor payments will be provided to the remaining members of the budget unit.
- .624 The noncomplying refugee may request restoration of assistance at any time after the termination of assistance because of refusal or failure to comply. The effective date of restoration, however, shall be no earlier than the day after the completion of the penalty period.
- .63 There is no durational penalty attached to a failure or refusal to register with the employment education/training program(s) or EDD.
- .631 The noncomplying individual in an RCA assistance unit shall be ineligible for RCA benefits until he/she has registered as required. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RCA benefits.
- .632 An RDP assistance unit shall be ineligible for RDP benefits until the RDP-U parent has registered as required. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RDP benefits.
- .633 A nonexempt RDP-FG individual shall be ineligible for RDP benefits until he/she has registered as required. Aid continues to the remainder of the assistance unit unless the RDP-FG individual who fails or refuses to register is the only eligible child in the assistance unit, in which case, the entire assistance unit is ineligible for RDP benefits.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Dang, et al. v. McMahon, et al., Court Order of the Superior Court of Alameda County.

Renumber Sections 69-209, 69-210, and 69-211 to 69-210, 69-211, and 69-212 to read:

69-210 AID PAYMENTS (Continued) 69-210

69-211 OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS AND FRAUD . 69-211
REFERRALS (Continued)

69-212 UNACCOMPANIED REFUGEE CHILDREN 69-212
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Dang, et al. v. McMahon, et al., Court Order of
the Superior Court of Alameda County.

OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION
OF
APPROVAL

FILED
In this office of the Secretary of State
of the State of California

FEB 08 1988
At 4:16 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0108-03

[Signature]
LINDA STOCKDALE BREWER
DIRECTOR

2/18/88
Date

FACE SHEET

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

EMERGENCY
CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations approved and/or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 2/5/88

FILED

In this office of the Secretary of State
of the State of California

FEB 17 1988

At 5:17 o'clock P.M.

MARCH FONG EU, Secretary of State

By Phoent
Deputy Secretary of State

SUBMITTED FOR REVIEW

FEB 08 1988

OFFICE OF ADMINISTRATIVE LAW
APPROVED FOR FILING

FEB 17 1988

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark

Chief of the Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

63-075

SECTIONS AMENDED:

63-300, 63-403

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER Not Applicable	b. DATE OF FINAL AGENCY ACTION February 5, 1988	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) Not Applicable
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9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☒ Effective on 3-1-88 (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

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- Part 6.** OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note:** Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a.** Provide the publication date of the Notice Register in which the notice of proposed action appeared.
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- c.** If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9.** Effective Dates — check one of the following:
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 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

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- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Adopt new Section 63-075 to read:

63-075 IMPLEMENTATION OF THE ELIGIBLE ALIEN STATUS 63-075
REGULATIONS (PUBLIC LAW 99-603)

- .1 Sections 63-300.512, .512(a), .512(b), .512(c), .512(d), 403.1 and 403.321, as amended herein, are effective March 1, 1988.
- .2 These amended or adopted provisions in Section 63-075 shall be implemented as follows:
 - .21 For aliens who became eligible for food stamps as the result of the change of the continuous residence date, as reflected in Section 63-403.1(c), these regulations must be implemented retroactive to November 6, 1986.
 - .211 For a household that applied for benefits from November 6, 1986 through February 29, 1988 and was denied, the household is entitled to restored benefits back to November 6, 1986 or the date of application, whichever occurred later, if the household:
 - (a) Is otherwise entitled to benefits; and,
 - (b) Requests a review of its case or the CWD becomes aware that a review is needed.
 - .22 For aliens who became eligible for food stamps as the result of Section 63-403.1(k), these regulations must be implemented retroactive to June 1, 1987.
 - .221 For a household that applied for benefits from June 1, 1987 through February 29, 1988 and was denied, the household is entitled to restored benefits back to June 1, 1987 or the date of application, whichever occurred later, if the household:
 - (a) Is otherwise entitled to benefits; and,
 - (b) Requests a review of its case or the CWD becomes aware that a review is needed.
 - .23 The earliest date upon which aliens may become eligible under Section 63-403.1(i) is November 7, 1988.

.24 The earliest date upon which aliens may become eligible under Section 63-403.1(j) is May 5, 1992.

.25 The dates during which aliens may become eligible under Section 63-403.1(1) are October 1, 1989 through September 30, 1993.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 18902 and 18904, Welfare and Institutions Code.

Amend Section 63-300 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.5 Verification (Continued)

.51 Mandatory Verification (Continued)

.512 Alien Status

Based on the application, the CWD shall determine if members identified as aliens are eligible aliens, as defined in Sections 63-403.12(b) through ~~18(1)~~, by requiring that the household present verification for each alien member.

(a) Aliens in the categories specified in Sections 63-403.12(b), ~~13(c)~~, and ~~18(h)~~ shall present an Immigration and Naturalization Service (INS) Form I-151 or I-551 -- "Alien Registration Receipt Card"; or the "Re-entry Permit," a passport booklet for lawful permanent resident aliens.

(b) Aliens in the categories specified in Sections 63-403.14(d) through 63-403.16(q) shall present an INS Form I-94 -- "Arrival-Departure Record." The CWD shall accept the INS Form I-94 as verification of eligible alien status only if the form is annotated with Sections 207, 208, 212(d)(5), or 243(h)(1) of the Immigration and Nationality Act; or if the form is annotated with one of the following terms: Refugee, parolee, paroled, conditional entry or entrant, or asylum. An INS form I-94 annotated with the letters (A) through (L) shall be considered verification of ineligible alien status unless the alien can provide other documentation from INS which indicates that the alien is eligible. If the INS form I-94 does not bear any of the above annotations and the alien has no other verification of alien classification in his or her possession, the CWD shall advise the alien:

(1) (Continued)

- (2) (Continued)
- (3) (Continued)
- (4) (Continued)

(c) Aliens in the categories specified in Section 63-403.1(i) through (l) shall present documentation from INS which clearly identifies that the alien has been granted legal status in one of those categories.

(1) Documentation may include, but is not limited to, a letter, notice of eligibility, or an identification card from INS.

(ed) If the proper INS documentation is not available, the alien may state the reason and submit other conclusive verification. The CWD shall accept other forms of documentation or corroboration from INS that the alien is classified pursuant to Sections 101(a)(15), 101(a)(20), 207, 208, 210(a), 210A(a), 212(d)(5), 243(h)(1), 245A, 245A(b)(1), or 249 of the Immigration and Nationality Act, or other conclusive evidence such as a court order stating that deportation has been withheld pursuant to Section 243(h) of the Immigration and Nationality Act. Properly completed INS Forms I-181-B and G-641 shall also be acceptable verification of eligible alien status.

(de) (Continued)

(ef) (Continued)

(fg) (Continued)

(eh) (Continued)

(hi) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 273.2(f)(1)(ii)(D).

Amend Section 63-403 to read:

63-403 CITIZENSHIP AND ALIEN STATUS

63-403

.1 Citizens and Eligible Aliens

CWD shall limit participation in the program to individuals who are residents of the United States and one of the following:

¶11(a) (Continued)

¶12(b) An alien lawfully admitted for permanent residence as an immigrant as defined in Sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (INA). However, an alien lawfully admitted for permanent residence pursuant to Section 245A of the INA shall be eligible as specified in (i) and (j) of this section.

¶13(c) An alien who entered the United States prior to June 30, 1948 January 1, 1972, or some later date as required by law, and has continuously maintained residency in the United States since then, and is not ineligible for citizenship, but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to Section 249 of the INA.

¶14(d) (Continued)

¶15(e) (Continued)

¶16(f) (Continued)

¶17(g) (Continued)

¶18(h) (Continued)

(i) An alien who is defined as aged, blind, or disabled in accordance with Section 1614(a)(1) of the Social Security Act and who is considered to be lawfully admitted for permanent residence pursuant to Section 245A(b)(1) of the INA. Such aliens may obtain lawful permanent resident status under Section 245A(b)(1) of the INA no earlier than November 7, 1988.

(j) An alien who is granted lawful temporary resident status pursuant to Section 245A of the INA at least five years prior to applying for food stamps and who subsequently

gained lawful permanent resident status pursuant to Section 245A of the INA. Such aliens may obtain temporary residence status no earlier than May 5, 1987.

(k) An alien who is, as of June 1, 1987, or thereafter, a special agricultural worker and lawfully admitted for temporary residence in accordance with Section 210(a) of the INA.

(l) An alien who is lawfully admitted for temporary residence as an additional special agricultural worker as of October 1, 1989 through September 30, 1993 in accordance with Section 210A(a) of the INA.

•2 Ineligible Aliens (Continued)

•3 Verification (Continued)

•31 Verification of Citizenship (Continued)

•32 Verification of Alien Status

•321 Based on the application, the CWD shall determine if members identified as aliens are eligible aliens, as defined in Sections 63-403.12(b) through 18(1), by requiring that the household present verification for each alien member. Requirements for the verification of alien status are addressed in Section 63-300.512. (Continued)

•4 Reporting of Illegal Aliens (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 273.4(a)(8) through (11).

OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION
OF
APPROVAL

ENDORSED FILED
IN THE OFFICE OF

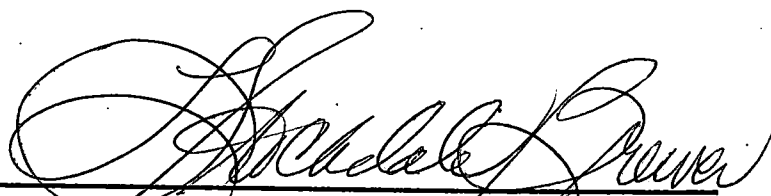
FEB 17 5 17 PM 1988

ANGEL TONG EU
SECRETARY OF STATE
OF CALIFORNIA

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0208-02



LINDA STOCKDALE BREWER
DIRECTOR

2-17-88

Date

STATE OF CALIFORNIA
STD Form 400 (Rev. 8/85)

(See Instructions on Reverse)

88-0127-01C

NOTIFIED FOR REVIEW

JUL 27 1988

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

FEB 18 1988

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

STATE DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

Jul S. Michel

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

1/25/88

FILED
In this office of the Secretary of State
of the State of CaliforniaFEB 18 1988
At 4:30'clock P.M.
MARCH FONG EU, Secretary of State
By *Donna A. Nor*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
ROSALIE CLARK	Chief, Regulations Development Bureau	(916) 445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

63-074

SECTIONS AMENDED:

63-102, 402, and 503

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:
- 63-503.471

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
October 2, 1987	January 25, 1988	December 7, - 21 1987

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sec. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.


FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Section 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on October 1, 1987, and which became effective on October 1, 1987.

Manual of Policies and Procedures, Division 63, Chapter(s)
074, 102, 402 & 503:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-102	63-074	
63-402		
63-503		

These regulations were presented at public hearing on November 18, 1987. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-503		



LINDA S. McMAHON
Director

1/25/88
Date

Adopt Section 63-074 to read:

63-074 IMPLEMENTATION OF REGULATIONS FOR COMMUNITY MENTAL HEALTH CENTERS 63-074

- 1 Effective October 1, 1987 the CWDs shall implement the revised provisions of these regulations retroactively to March 27, 1986 for any previously denied application that would have otherwise been approved pursuant to these regulation changes. The sections affected by these revisions are as follows: 63-102(d)(6), 63-402.4, and 63-503.471.
- 2 Effective October 1, 1987, the CWD shall implement the amended provisions for all new applications.

Authority Cited: Sections 10553 and 18904, Welfare and Institutions Code.

Reference: Section 18902, Welfare and Institutions Code; 7 CFR 272.1(g)(72) and (86) (April 1987 revision).

Amend Section 63-102d(6) to read:

63-102 DEFINITIONS (Continued)

63-102

d. (Continued)

(6) "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program under Part B of Title XIX of the Public Health Service Act (42 USC 300x et. seq.) conducted by a private nonprofit organization or institution or a publicly operated community mental health center.

(A) "Under Part B of Title XIX of the Public Health Service Act" (42 USC 300x et. seq.) is defined as meeting the criteria which would make it eligible to receive funds, even if it does not actually receive funding under Part B of Title XIX.

Authority Cited: Sections 10553 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; 7 CFR 271.2 (April 1987 revision).

Amend Section 63-503.471 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFITS 63-503
LEVELS (Continued)

•4 Households with Special Circumstances (Continued)

•47 Residents of Drug/Alcoholic Treatment and Rehabilitation Programs

•471 Narcotics addicts or alcoholics who regularly participate in drug or alcoholic treatment and rehabilitation programs on a resident basis may be eligible for food stamps, as specified in Section 63-402.4. These programs must provide meals to residents to qualify as eligible institutions. Residents of those programs that do not provide meals may apply as roomers, as provided in Section 63-402.21, and are not subject to the provisions of this section. Resident addicts and alcoholics in centers providing meals shall have their eligibility determined as a one-person household. The CWD shall certify residents of addict/alcoholic treatment centers by using the same provisions that apply to all other applicant households, except that certification must be accomplished through an authorized representative, as described in Section 63-402.62.

(a) Prior to certifying any residents for food stamps, the CWD shall verify that the treatment center is authorized by FNS as a retailer, or meets the eligibility criteria to receive funding under Part 3 of Title XIX of the Public Health Service Act (42 USC 300x et seq.) as shown by the possession of the following State Department of Alcohol and Drug Program documents:

(1) (Continued)

(2) (Continued)

(b) FNS authorization is required for those centers redeeming coupons through wholesalers or those centers accepting coupons as payments for prepared meals.

Authority Cited: Sections 10553 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; 7 CFR 273.11(e)(1) (April 1987 revision).

FILED

In this office of the Secretary of State
of the State of California

OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

FEB 18 1988

1:45 to clock M.
MARCH FONG RO Secretary of State

By Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0127-01


for LINDA STOCKDALE BREWER
DIRECTOR

2/18/88
Date

SUBMITTED FOR REVIEW

JAN 27 1988

OFFICE OF ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

FEB 25 1988

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET
REGULAR
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES
(AGENCY)

John S. Mahab
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

1-22-88

RDB #0687-29

FILED
In this office of the Secretary of State
of the State of California

FEB 25 1988

At 4:26 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Patricia Bates*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
TITLE
ROSAIE CLARK, Chief, Regulations Development Bureau
TELEPHONE
445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
30-776
SECTIONS AMENDED:
30-753
SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
September 4, 1987
b. DATE OF FINAL AGENCY ACTION
January 22, 1988
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Amend MPP Section 30-753 to read:

30-753 SPECIAL DEFINITIONS (Continued)

30-753

(nn) A list means any informal or formal listing or registry of written name(s) of prospective In-Home Supportive Services providers maintained by the county agency, county social services staff, a contractor as defined under Welfare and Institutions Code Section 12302.1, or any public or private agency for purposes of referring the prospective providers for employment.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Section 12305.5, Welfare and Institutions Code.

Adopt new MPP Section 30-776 to read:

30-776 PROVIDER IDENTIFICATION

30-776

- .1 Proof of provider identification shall be required pursuant to Welfare and Institutions Code Section 12306.5.

Welfare and Institutions Code Section 12306.5 states that any public or private agency, including a contractor as defined in Welfare and Institutions Code Section 12302.1, who maintains a list or registry of prospective In-Home Supportive Services providers shall require proof of identification from a prospective provider prior to placing the prospective provider on a list or registry or supplying a name from the list or registry to an applicant for, or recipient of, In-Home Supportive Services.

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- .11 Proof of identification shall not be required for prospective providers to remain on a list or registry that existed before April 1, 1988. However, proof of identification shall be required prior to providing those prospective providers' names to an applicant or recipient of In-Home Supportive Services, or prior to providing the names of any prospective providers where proof of identification has not been established.

- .12 Proof of identification shall include, but is not limited to, one of the following:

- .121 A positive photograph identification from a government source, such as:

- (a) a valid California driver's license;
- (b) a valid identification card issued by a government agency; or
- (c) a valid military identification card.

- .122 A valid student identification card issued by an accredited college or university.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Section 12306.5, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

FILED
In this office of the Secretary of State
of the State of California
FEB 25 1988
At 4:16 o'clock P. M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 88-0127-02

[Signature]
for **LINDA STOCKDALE BREWER**
DIRECTOR

2/25/88
Date

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

RDB #0887-41

FILED

In this office of the Secretary of State
of the State of California

FEB 29 1988

At 408 o'clock P.M.

MARCH FONG EU, Secretary of State

By Brian Bate
Deputy Secretary of State

For use by Secretary of State only

ENDORSED
APPROVED FOR FILING

FEB 29 1988

Office of Administrative Law

For use of Office of Adm Law

State Department of Social Services

(AGENCY)

Paul S. Mahul

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 1-27-88

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

(916) 445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

SECTIONS REPEALED: (SEE ATTACHED LIST)

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: 63-407.811 (c) (1), (c) (2), (c) (3), (c) (4), and (c) (7) and 63-407.82

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
October 2, 1987

b. DATE OF FINAL AGENCY ACTION
JAN 28 1988

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
January 8-25, 1988

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

3. a. Specify Administrative Code title and Sections as follows:

Sections Adopted: 63-073; 63-407.211, .23 and .231; 63-407.312 and .313; 63-407.542 (a) and (b); 63-407.8, .81, .82, .83(title) and .831, .84, .85, .86, .87, and .88.

Title MPP

Sections Amended: 63-300.533a.; 63-301.541(d); 63-402.224, and .611; 63-407.1, .2, .21, .221, and .223; 63-407.31, .311, and .32; 63-407.4 and .41; 63-407.52, .53, .54, .541, .542, .55, .56, .561, and .57; 63-407.61, .62, .621, and .623; 63-407.91; 63-408.31 and .32; and 63-504.361(c).

Sections Repealed: 63-301.411(b); 63-407.21i., .221(a), (b), (c), (c)(1), and (c)(2); 63-407.33, .34, .35, and .36; 63-407.45 and .46; 63-407.52, .56, and .562; 63-407.621 and .621c.(1), (2) and (6); 63-407.8 (all); and 63-407.92.

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Section 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on September 25, 1987, and which became effective on October 1, 1987.

Manual of Policies and Procedures, Division 63, Chapters 073, 300, 301, 402, 407, 408 and 504

Sections Amended: 63-300.533a; 63-301.541(d); 63-402.224, and .611; 63-407.1, .2, .21, .221, and .223; 63-407.31, .311, and .32; 63-407.4 and .41; 63-407.52, .53, .54, .541, .542, .55, .56, .561, and .57; 63-407.61, .62, .621, and .623; 63-407.91; 63-408.31 and .32; and 63-504.361(c).

Sections Adopted: 63-073; 63-407.211, .23 and .231; 63-407.312 and .313; 63-407.542(a) and (b); 63-407.8, .81, .82, .83(title) and .831, .84, .85, .86, .87, and .88.

Sections Repealed: 63-301.411(b); 63-407.211, .221(a), (b), (c), (c)(1), and (c)(2); 63-407.33, .34, .35, and .36; 63-407.45 and .46; 63-407.52, .56 and .562; 63-407.621 and .621c.(1), (2) and (6); 63-407.8 (all); and 63-407.92.

These regulations were presented at public hearing on November 18, 1987. As a result of the public hearing the following sections have been changed.

Sections Amended: 63-407.211 and .223; 63-407.311; 63-407.41; 63-407.54, .542(b), .561, and .57; 63-407.61; 63-407.81, .811(b), .811(c)(1), (c)(2), (c)(3), (c)(4), and (c)(7), .813, .82, .841, .841(b)(1), (b)(2), and (c), .842(a), (b), (c) and (c)(3), .851, .857, .861, .862, .863, .87; and 63-407.91.

Sections Adopted: None

Sections Repealed: None



LINDA S. McMAHON
Director

1-27-88

Date

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. MCMAHON
Director

Adopt Section 63-073 to read:

63-073 IMPLEMENTATION OF THE FOOD STAMP EMPLOYMENT AND 63-073
TRAINING PROGRAM REQUIREMENTS

The CWDs shall implement the revised provisions of these regulations effective October 1, 1987. The sections affected by these revisions are: Sections 63-300.533a; 63-301.411(b) and .541(d); 63-402.224 and .611; 63-407.1, .2, .21, .21(a)-(i), .211, .221, .221(a)-(c), .223, .23, .231; .31, .311-.313, .32-.36; .4, .41-.46; .52-.58; .61 and .62, .8, .91, and .92; 63-408.31 and .32; and 63-504.361(c) of the Manual of Policies and Procedures.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 272.1(g)(82).

Amend Section 63-300.533a. to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.5 Verification (Continued)

.53 Verification of Questionable Information (Continued)

.533 Work Registration (Continued)

- a. If a household member's work registration exemption due to participation in WIN Demo or GAIN is questionable, the CWD shall be responsible for verifying that the household member is subject to and participating in the Work Incentive Program (WIN Demo or GAIN) under Title IV of the Social Security Act.

Authority Cited: Sections 10553, 10554, and 12902, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Repeal Section 63-301.411(b) and renumber Sections 63-301.411(c) and (d) to (b) and (c), respectively, and amend Section 63-301.541(d) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.4 Delayed Actions (Continued)

.41 Determining Cause (Continued)

.411 (Continued)

(a) (Continued)

(b) If one or more members of the household have failed to register for work, as required in 63-407.1, the CWD must have informed the household of the need to register for work and given the household at least 10 days from the date of notification to register these members.

(c) (Continued)

(d) (Continued)

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.5 Expedited Services (Continued)

.54 Special Procedures for Expediting Service (Continued)

.541 (Continued)

(d) The applicant and all other household members shall be required to register for work prior to certification unless exempt from this requirement per Section 63-407.2. The applicant may complete the work registration Form DE 8435 FS for each household member required to register for employment. The CWD shall attempt to register all other household members subject to the requirements of Section 63-407.1 and to verify questionable work registration exemptions, but shall postpone these efforts if they cannot be

accomplished within expedited service time frames.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(c)(1).

Amend Sections 63-402.224 and .611 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.2 Nonhousehold and Excluded Household Members (Continued)

.22 Excluded Household Members (Continued)

.224 Workfare Sanctioned

Individuals sanctioned by a CWD while a participating member of a household disqualified for failure to comply with the requirements of the CWD's Workfare Program requirements operated in accordance with Section 63-407.91.

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.6 Authorized Representatives (Continued)

.61 (Continued)

.611 Making application for the program. When the head of the household or the spouse cannot make application, another household member may apply or an adult nonhousehold member may be designated as the authorized representative for that purpose. The head of the household or the spouse should prepare or review the application whenever possible, even though another household member or the authorized representative will actually be interviewed. In conjunction with these provisions, another household member or the household's authorized representative may complete work registration forms (9E 8435 FS) for those household members required to register for work. The CWD shall inform the household that the household will be held liable for any overissuance which results from erroneous information given by the authorized representative, except as provided in Section 63-503.476. Adults who are nonhousehold members may be designated as authorized representatives for certification purposes only under the following conditions:
(Continued)

Authority Cited: Sections 10553, 10554, and 16902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(c)(1) and 7 CFR 273.22.

Amend Sections 63-407.1 and .2 to read:

63-407 WORK REGISTRATION REQUIREMENTS

63-407

.1 Persons Required to Register

The CWD shall determine which household members are required to be registered for employment. Each household member who is not exempt by Section 63-407.2 shall be registered for employment at the time of application and once every twelve months after initial registration as a condition of eligibility, unless the household is entitled to expedited service. If the household is entitled to expedited service, household members subject to work registration shall be registered as indicated in Section 63-301.5. Registrants who move out of a county shall reregister for work with the agency designated by the state to provide employment services to FS program registrants within their particular locality hereinafter referred to as the employment services agency (ESA). The ESA may be the state Employment Development Department (EDD), a county agency, or a contract agency designated by the state to serve the employment needs of registrants who have been referred by the CWD. Under the provisions of Section 63-402.611, the registration form (DE 8435 FS) may be completed by someone other than the household member required to register.

.2 Exemptions from Work Registration Exemptions and Registration in Substitute Programs

.21 The following persons are exempt from the food stamp work registration requirement and shall not complete Form DE 8435 FS:

(a) (Continued)

(b) (Continued)

(c) A household member subject to and complying with any work requirement registered in the work incentive program (WIN) under Title IV of the Social Security Act including Work Incentive Demonstration (WIN Demo) and Greater Avenues for Independence (GAIN) programs. If the exemption claimed is questionable, the CWD shall be responsible for verifying the exemption, as required in Section 63-300.53;

(d*) (Continued)

(e*) (Continued)

(f*) (Continued)

(g*) (Continued)

(h*) (Continued)

i* A person who is registered for work under General Assistance, non-WIN Public Assistance, or Refugee Resettlement Programs. An individual so registered shall be considered as registered for work under the Food Stamp Program.

.211 Persons exempted in Section 63-407.21 shall be permitted to volunteer to participate in the Food Stamp Employment and Training (FSET) Program as described in Section 63-407.8.

.22 Loss of Work Registration Exemptions

.221 Persons losing exemption status due to any change in circumstances that is subject to the reporting requirements of Sections 63-505.3 or .5 (such as a loss of employment that also results in a loss of income of more than \$25 a month, or departure from the household of the sole dependent child for whom an otherwise nonexempt household member was caring) shall be registered for employment when the change is reported. The CWD shall annotate the registration changes to the person's exemption status on an existing record designated by SDSS.

(a) If the change is reported in person by the household member required to register, the person shall complete a work registration form at the time the change is reported. If this is not possible, the household member shall return the completed form to the CWD within 10 days.

(b) If the change is reported in person by a household member other than the member required to register, the person reporting the change may complete the form at the time the change is reported or deliver the form to the member required to register.

(e) If the change is reported by phone or through the mail, the GWD shall be responsible for providing the individual with a work registration form.

(1) The individual shall be responsible for returning the completed form to the GWD within 10 calendar days from either the date the form was handed to the household member reporting the change or the date the GWD mailed the form.

(2) If the individual fails to return the form, the GWD shall issue a notice of disqualification (DFA 377-10) stating that the individual or the household, if the individual is the principal work registrant as defined in Section 63-407.51, is being terminated, but that the termination can be avoided by returning the completed form.

•222 (Continued)

•223 Those persons exempt because they are registered for work under one of the programs specified in Sections 63-407.21(c) or (e) and i and are deemed ineligible to participate in that program due to a change in household circumstances other than failing to comply with the work registration requirements of that program shall be registered in accordance with Section 63-407.3 for work under the Food Stamp program within 10 calendar days from the date they lose their eligibility for that program. For treatment of persons who fail to comply with the work registration requirements specified in Sections 63-407.21(c), and (e), and i, see Section 63-407.524.

•23 Substitute Programs

Persons registered in the following programs shall be considered as registered for work under the Food Stamp Program:

- o General Assistance Work Program
- o Non-WIN Public Assistance (PA) Program

o Refugee Resettlement Program

.231 Those persons registered in a substitute program as specified in Section 63-407.23, who are deemed ineligible to participate in that program due to a change in household circumstances other than failing to comply with work registration requirements of that program, shall be subject to the work registrant requirements of the Food Stamp Program in Section 63-407.4, within 10 days from the date they lose their eligibility for that program. For treatment of persons who fail to comply with the work registration requirements of these programs see Section 63-407.54.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(b)(1)(iii), (b)(2)(i), and
 273.7(k).

Renumber Section 63-407.37 to Section 63-407.83; repeal Sections 63-407.33 through .36; amend Sections 63-407.31 and .32 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.3 CWD Requirements

- .31 Upon reaching a determination that an applicant or a other members of the applicant's household is are required to be registered, the CWD shall:

- .311 Explain to the applicant the work registration and work registrant requirements in Section 63-407.4 and, if assigned to the FSET Program, the requirements in Section 63-407.8, his or her the rights and responsibilities, and the consequences of failure to comply.

The CWD shall provide work registration forms, DE 8435 FS, to the applicant for each household member required to register for employment, and permit the applicant to complete the form for those members in accordance with Section 63-402.611. Instructions for completing the DE 8435 FS call for mandatory social security numbers. If an individual is otherwise eligible for food stamp benefits (see Section 63-404), but cannot provide a social security number at the time of work registration, the ESA can create a pseudo-number for entry in the food stamp work registrant's file. In these cases, the CWD should annotate the DE 8435 FS before sending it to the ESA, stating the situation.

- .312 Provide a written statement of the requirements in Section 63-407.311 to each work registrant.

- .313 Provide a written statement:

- (a) at recertification, and
(b) when a previously exempt individual or new household member is required to be registered.

- .32 Household members are considered to be have registered when a completed work the registration form is annotated by the CWD on an existing record submitted to the CWD designated by SDSS.

- 33 If the registrant is a migrant or seasonal farm worker away from home base and following the migrant work stream, or if the EWB knows that the registrant would otherwise be exempt from job search (as defined in Section 63-407.014c), the EWB shall indicate this on the registration form.
- 34 Within five working days after the household has been certified, the EWB shall forward the work registration form to the ESA office having jurisdiction over the area where the registrant resides. Work registration forms shall not be forwarded to the ESA until the household is certified.
- 35 The EWB shall notify the appropriate ESA office of those work registrants who subsequently become exempt from the work registration requirement, who are no longer certified for participation in the Food Stamp Program, or who move from the ESA office's area of jurisdiction. The EWB shall also notify the ESA promptly of a change in address if the EWB becomes aware that a work registrant has moved from one location to another within the same ESA jurisdiction. The above notification shall be provided to the ESA (form to be provided by BSS) within 30 days from the date the change becomes known to the EWB.
- 36 If the EWB has required an individual to register for work and the ESA disagrees, the ESA will request in writing that the EWB reconsider its determination. The EWBs shall respond in writing to the ESA within 30 days, and their response shall be accepted by the ESA as final.

Authority Cited: Sections 10553, 10554, and 13902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(c)(1).

Amend Section 63-407.4 to read

63-407 WORK REGISTRATION REQUIREMENTS

63-407

•4 Work Registrant Requirements

All persons registered for work under the Food Stamp Program (via Form BE 8435 FS) or under an alternate a program specified in Sections 63-407.21(c), or (e), or it shall comply with the following requirements when requested by the ESA:

- 41 Report for a job assessment interview. Comply with the requirements of the FSET Program, as described in Section 63-407.8, when assigned by the CWD.
- 42 (Continued)
- 43 (Continued)
- 44 (Continued)
- 45 Continue suitable employment until it is no longer considered suitable in accordance with Section 63-407.7, until they are terminated from employment due to circumstances beyond their control, or until they become exempt from the work registration requirement as provided in Section 63-407.2.
- 46 Comply with the job search requirements described in Section 63-407.8.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(e).

Amend Section 63-407.5 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.5 Failure to Comply

.51 (Continued)

.52 The ESA shall provide notification to the CWD when it is determined by the ESA that a work registrant has failed without good cause to comply with the requirements of Section 63-407.4. Such notification shall be in writing (Form DE 9863 FS) and shall be provided within five working days of the date such information becomes known to the ESA.

.532 If when the CWD determines is informed by the ESA that a the principal work registrant has refused or failed without good cause to comply with the requirements of Section 63-407.4, the entire household shall be ineligible to participate in the Food Stamp Program for the period specified in Section 63-407.565.

.543 If the CWD is informed determines that an individual other than the principal work registrant has refused or failed without good cause to comply with the requirements of Section 63-407.4, that individual shall be ineligible to participate in the Food Stamp Program for the period specified in Section 63-407.565.

.554 If the CWD determines is informed that a household member who is registered for work under any of the alternate programs specified in Sections 63-407.21(c) or (e), or in a substitute program as specified in Section 63-407.23, has refused or failed without good cause to comply with a work registration requirement, the CWD shall determine if the requirement is comparable to the food stamp work requirements specified in Section 63-407.4.

A requirement shall be considered comparable if it is imposed in the same category of activity, as described in Section 63-407.841, and the participant's level of effort does not exceed that of the FSEI Program component offered in the county.

Example 1 - A GAIN participant fails to comply with a basic education activity which requires attendance of 40 hours per month. The county's

FSET Program consists of Job Search requiring 12 hours effort per week for two weeks. These are not comparable, as the activities are not in the same category.

Example 2 - A participant fails to comply in a General Assistance Workfare program, which requires 140 hours per month of attendance. The county's FSET workfare component may not require participants to work more than 120 hours per month. They are not comparable since the level of effort exceeds that of the FSET Program.

Example 3 - A participant fails to comply in a WIN/Demo Job Search program requiring four job contacts per week for one month. The county's FSET Program offers a Job Search component which requires 20 job contacts per month. These are comparable programs since the category of activity is the same and the level of effort does not exceed that of the FSET Program.

.5541 If the CWD determines that the work registration requirement is comparable, the individual, or entire household shall be disqualified if the individual who committed the violation is the principal work registrant, shall be disqualified in accordance with Section 63-407.545. The household or individual shall be notified of the disqualification as specified in Section 63-407.546. (Continued)

.5542 If the CWD determines that the work registration requirement is not comparable, the individual or the household shall not be disqualified. However, if the noncomplying member: shall lose his/her food stamp work registration exemption under Section 63-407.21e, or e, or i and must register for work, if required to do so under Section 63-407.1.

(a) Is in a program specified in Sections 63-407.21(c) or (e), that person shall lose his/her food stamp work registration exemption and shall be registered for work, if required in Section 63-407.1.

(b) Is in a program specified in Section 63-407.23, that person shall be subject to the FSET Program requirements in Section 63-407.8.

- 56 The period of disqualification for a work registrant failing to comply with the requirements of Section 63-407.4, is as follows:
- 565 If the work registrant fails to comply with any requirement of Section 63-407.4, provided eligibility cannot be reestablished pursuant to Section 63-407.6, the disqualification period is two months, except as specified in •532 below:
- 562 If the work registrant is the principal work registrant and fails to continue suitable employment as specified in Section 63-407.45 because of a voluntary quit without good cause, the disqualification period is three calendar months pursuant to Section 63-408.222.
- 576 Within 10 days of determining that the noncompliance was without good cause in accordance with Section 63-407.587, the CWD shall provide the individual or household with a Notice of Disqualification, (DFA 377.10). Such notification shall contain a description of the act of noncompliance, the proposed period of disqualification and shall specify that the individual or household may reapply at the end of the disqualification period. Information shall also be included describing the action which can be taken to end or avoid the sanction, and procedures contained in Section 63-407.6. The disqualification period shall begin with the first month following the expiration of the adverse notice period, unless a state hearing is requested. If a state hearing is requested, continued participation shall be in accordance with Section 63-804.6.
- 5761 Each individual or household has a right to a state hearing to appeal a denial, termination or reduction of benefits due to a determination of nonexempt status, or an ESA a determination of failure to comply with the work registration or job search FSET Program requirements. Individuals or households can appeal the ESA actions such as the job search category assigned, the number of job search contacts assigned, the ESA refusal to accept an action as a job search contact,

exemption status, the type of requirement imposed,
or CWD refusal to make a finding of good cause.
If a state hearing is scheduled, the CWD shall
provide sufficient advance notice to permit the
availability, either in person or by phone as
appropriate, of a representative of the component
operator attendance of the ESA representative, if
it is anticipated that such attendance will be
necessary.

•587 Determining Good Cause

The ESA CWD shall be responsible for determining good cause in those instances where the work registrant has failed to comply with the requirements of Section 63-407.4.

In determining if good cause existed for failure to comply with any work registration/job search or FSET Program requirements, the ESA CWD shall consider the facts and circumstances, including information submitted by the household member involved and/or the employer. Good cause shall include circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, lack of adequate child care for children who have reached age six but are under twelve years of age (see Section 63-408.41j), the unavailability of transportation, or problems caused by inability of the work registrant to speak, read or write English.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(g)(1) and (2), (h), (k), and (m).

Amend Section 63-407.6 to read

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.6 Ending Disqualification

.61 Following the end of the two-month disqualification period for noncompliance with the work registration and/or job search FSET Program provisions prescribed in Sections 63-407.1 or 407.8, a disqualified individual or household may apply again to establish eligibility.

.62 If the individual or household is otherwise eligible, eligibility may be established or reestablished within a disqualification period as indicated below if the member who caused the disqualification:

.621 For those households disqualified for noncompliance with the work registration provisions, eligibility may be reestablished during the disqualification period if the household is otherwise eligible and if the member who caused the disqualification:

(a).621 Becomes exempt in accordance with Sections 63-407.21(a), (b), (d), (f), (g), or (h).

(b).622 Is no longer a member of the household:

(1a) (Continued)

(2b) (Continued)

(c).623 Complies as follows:

(1) If the member was disqualified for noncompliance with the work registration provisions, the member shall register for work.

(2) If the member was disqualified for refusal without good cause to report for an interview with the ESA (after being given two opportunities to report), the household's eligibility may be reestablished during the disqualification period only if the member becomes exempt from the work registration requirement or is no longer a member of the household.

- (3a) If the member was disqualified for refusal to respond to a request from the ESA for supplemental information regarding employment status or availability for work, the member shall comply with the request.
- (4b) If the member was disqualified for refusal to report to an employer to whom referred by the ESA, the member shall report to this employer if work is still available or to another employer to whom referred.
- (5c) If the member was disqualified for refusal to accept a bona fide offer of suitable employment to which referred by the ESA, the member shall accept this employment if still available to the participant; accept any other employment which yields earnings per week equivalent to the refused job; or accept any other employment of at least 30 hours per week, with weekly earnings equal to the federal minimum wage multiplied by 30 hours.
- (6) If the member was disqualified for refusal to continue suitable employment to which referred by the ESA officer, the member shall return to this employment, if still available to the participant; accept any other employment which yields weekly earnings equivalent to the refused job; accept any other employment of at least 30 hours per week; or accept any other employment of less than 30 hours per week but with weekly earnings equal to the federal minimum wage multiplied by 30 hours.
- (7d) If a member refused to comply with an employment and training assignment, the member shall comply with the assignment or another assignment.

The ESA shall notify the EWG in writing (DE 8863 FS) if the ESA becomes aware that the member has complied in accordance with (3), (4), (5), or (6) above. Such notification shall normally be provided within five working days of the date the information becomes known to the ESA.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(h)(1).

Repeal Section 63-407.8 to read

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

•2 Job Search

Persons required to register for work shall be subject to the appropriate job search requirements discussed below to the extent that these requirements are implemented within the county by the ESA. Failure to comply with the job search requirements, without good cause, shall result in the household's disqualification as established in Section 63-407.5.

•81 Assessment Interview

•811 Unless the ESA determined from available information that the work registrant would be exempt from actively engaging in job search based upon the criteria established in Section 63-407.814(c), work registrants may be required to report to an assessment interview with the ESA each time they register for work. The ESA shall normally schedule the interview to occur within two weeks of the date it receives the work registration form (DE 8435 FS) from the EWD.

When scheduling an assessment interview, the ESA shall send the registrant a letter informing the registrant of the date of the interview, that appearance for an interview is a condition of participation in the Food Stamp Program, and how the registrant can contact the ESA to reschedule the interview if necessary.

•812 If the work registrant fails to appear for the first interview and has not contacted the ESA in advance to reschedule the initial interview, the ESA shall send a second letter scheduling another interview to occur within the next two weeks. This letter shall inform the registrant of the date of the rescheduled interview, explain that this is the last attempt to schedule the interview and the consequences of failing to appear for the rescheduled interview appointment without good cause, and provide procedures for contacting the ESA if the rescheduled interview cannot be attended by the work registrant for good cause.

•813 If the work registrant fails to appear for the rescheduled interview without good cause, the ESA shall notify the CWD in writing of the failure within five working days of the date of the registrant's failure to appear.

•814 After the assessment interview, the ESA will place each work registrant in one of the job search categories listed below:

a. Category I - Job ready. Those work registrants who have no apparent substantial barriers to employment.

b. Category II - Non-job ready. Those work registrants with substantial barriers to employment, e.g., medical, transportation, language, or family problems, that alone or in conjunction with adverse labor market conditions, would make them difficult to place. Transportation problems shall include the unavailability on a regular basis of either private or public transportation or the minimum financial resources necessary to obtain available public transportation. Job attached persons, e.g., those on temporary layoff or those expecting to return to work within 60 days, shall be placed in this category for 60 days from the date of initial registration. At the end of the 60-day period, job attached persons, if still unemployed, may be recategorized as appropriate.

c. Category III - Exempt. Those work registrants for whom a job search is determined to be impractical, specifically including those individuals residing an unreasonable distance from the appropriate ESA office or potential employers (a distance shall be considered unreasonable if the round trip exceeds two hours by reasonably available public or private transportation), and migrant and seasonal farmworkers away from their home base and following the migrant work stream. The determination of exempt status should be made at the time the work registration form is received from the CWD to preclude the

need of such persons to travel to the ESA office for an assessment interview unless it is impossible to determine exempt status from the form for a particular registrant.

815 After placing the work registrant in the appropriate job search category, the ESA shall provide to each work registrant written notification regarding his/her job search requirements, procedures to be followed, and the consequences of failure to comply.

82 Requirements

821 If required to do so by the ESA, persons classified in Category I must comply with the job search requirements discussed below for a period of eight weeks each twelve months when they are initially certified, when they lose a work registration exemption, or when they register for work upon reentering the Food Stamp Program after a period of absence whichever occurs sooner.

a. The ESA may require either that the eight week period be one continuous period, or that it be divided into two separate job search periods that total eight weeks. For example, the ESA office might require a registrant to undertake two four-week job searches, with the second period following six months after the first. The ESA may schedule the job search period(s) at the time(s) it determines the job search would be most effective, taking into account job market conditions and the registrant's skills and experience.

b. The ESA may shorten or suspend the job search period if economic or personal circumstances warrant. The ESA can suspend a job search period and then resume it later if factory closings or other circumstance make it likely that the job search period would be more productive at a subsequent time.

c. Registrants who remain continuously on the program are not subject to a new job search requirement at the time of semiannual routine reregistration.

d. Registrants subject to the job search requirements must take the following actions:

(1) Contact, as required by the ESA, up to twenty-four prospective employers during the eight-week period. If the job search period is shortened, the number of required job contacts shall be reduced on a pro rata basis, to the maximum extent practicable. A referral by the ESA to an employer shall be considered a job contact for Food Stamp Program purposes, provided the registrant presents himself/herself to the employer as described in Section 63-407.84.

(2) Twice during the eight-week job search period, report at a prescheduled time to the ESA on the result of all job contacts. If the eight-week job search activity is divided into two separate periods, the ESA may require the registrant to report once during each period of job search activity. Job contacts shall be reported in written form as discussed in Section 63-407.85.

822 Work registrants classified in Category II will not be assigned any specific job search activity. Job attached persons who have not returned to their jobs or otherwise become exempt from the work registration requirement may be called in for reassessment at the end of sixty days. Other persons may be called in by the ESA during the 12-month registration period. During subsequent interviews, job files will be reviewed for potential referrals, and the job search categorization of such individuals will be reassessed.

823 Work registrants classified in Category III will not be required to fulfill job search requirements until such time as Category III classification is no longer applicable and the work registrant is reclassified into an active job search category.

83 Follow-up Activities

***831 Scheduling Follow-up Interviews**

- a. At the time of the initial assessment interview with the work registrant, the ESA shall establish a schedule for two follow-up interviews over the job search period for Category I registrants. The ESA may reduce the number of follow-up interviews to one for Category I registrants when the job search period and number of job contacts are reduced. Such schedules shall be documented and provided in written form to the work registrant.
- b. Category II registrants shall be informed that they shall be contacted either within the 12-month registration period or in 60 days if they are job attached.
- c. If the work registrant fails to report for the follow-up interview for any reason, and has not contacted the ESA in advance to reschedule the interview, the ESA shall contact the work registrant by letter to schedule another interview within the next two weeks. The letter shall inform the registrant of the date of the rescheduled interview, explain to the registrant the consequences of failing to appear for the rescheduled interview without good cause, and provide procedures for contacting the ESA if the rescheduled interview cannot be attended by the work registrant for good cause.
- d. If the work registrant fails to report to the rescheduled interview without good cause, the ESA shall notify the EWD in writing of the failure within five working days of the date of the registrant's failure to report.

***832** At the time of each follow-up interview, the ESA shall review the job contacts made by the work registrant, review job listings for potential referrals, and assist the work registrant in establishing his or her future plans for seeking employment.

*852 The work registrant shall be responsible for providing the ESA upon reasonable request or any additional information regarding job contacts.

*851 Job contacts shall be reported in writing in a manner prescribed by the ESA at the time of the initial interview with the ESA the work registrant shall be told about the manner of reporting. While such reporting will not require the employer's written confirmation of the job contact, the work registrant shall be required to sign the written documentation to attest to its validity. The written report shall be submitted to the ESA at the time of the work registrant's follow-up interviews.

*85 Reporting Job Contacts

*842 Depending upon the position being sought, the job contact requirement may be fulfilled by either a personal visit to the prospective employer or another method of application which is considered by the ESA to be generally accepted practices. The work registrant cannot contact the same employer in subsequent weeks unless the initial contact indicated that vacancies in suitable job positions may soon exist.

b- The prospective employer must ordinarily employ persons in areas of work that meet the suitability requirements discussed in Section 63-407 and for which the work registrant is reasonably qualified by means of experience, training or ability.

a- The work registrant must present himself or herself to a prospective employer as available for work and

*841 To qualify as a job contact, the following two conditions must be met:

*84 Job Contact

*833 The ESA shall notify the CWD in writing for 8863 5) when a work registrant obtains employment. Such notification shall be provided within five working days of the date the information becomes known to the ESA.

10553 At the end of the job search period, the ESA shall determine if the work registrant has completed the assigned number of job contacts.

a. If the work registrant was assigned a continuous job search period of less than eight weeks, the registrant shall have two additional weeks to complete any missed contacts.

b. If the work registrant was assigned a single continuous eight-week job search period, no additional time shall be allowed unless the ESA fails to accept, for reasons such as suitability or manner of contact, a job contact(s) reported by the registrant. In such instances, the work registrant shall be allowed an additional two weeks to make up the disallowed contact(s).

c. Persons failing to complete the required number of job contacts with good cause shall be excused from completion of the job search requirements.

10556 ESA Review

If a work registrant believes that an ESA determination is improper, review of the determination may be obtained from a designated ESA official not involved in the original determination. For example, if the work registrant believes he or she has been improperly assigned to a job search category or assigned an improper number of job search contacts, or that an action which should have been counted as a contact was not, a review may be obtained. This would also apply to the ESA determination that noncompliance was not for good cause.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and 7 CFR 273.7.

Renumber Section 63-407.37 to Section 63-407.83 and adopt Section 63-407.8 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.8 Food Stamp Employment and Training Program

.81 CWD Screening

The CWD shall screen each work registrant to determine whether or not the registrant will participate or be deferred from the FSET Program. This requirement shall not apply in counties that are totally geographically excluded as allowed in Section 63-407.842.

.811 The following registrants shall be deferred from mandatory participation until the CWD determines that the situation precluding participation no longer exists.

(a) A person who resides in a federally approved geographically excluded area.

(b) A person who participates in a program described in Section 63-407.23 that has participation requirements exceeding those contained in the FSET Program.

(c) A person who is unable to participate due to personal circumstances. This shall include, but not be limited to persons who:

(1) Lack child care:

(A) Lack of child care is defined in accordance with Section 63-408.41(j).

(B) Lack of child care shall be determined if child care costs plus other costs of participation exceed \$25.00 per month.

(2) Lack transportation to an FSET Program site:

(A) Lack of transportation is defined as:

1. Private or public transportation is not available at reasonable times on a regular basis;
 2. Transportation costs plus other costs of participation exceed \$25.00 per month.
- (3) Live an unreasonable distance from the FSET Program site;
 - (A) Unreasonable distance is defined as a round trip to and from the FSET site exceeding 2 hours.
- (4) Have a severe family crisis;
 - (A) Severe family crisis is defined as:
 1. An incapacitated or ill family member who temporarily needs the care of the registrant;
 2. A death in the immediate family or of any person in the immediate household;
 3. A situation in the immediate family or immediate household that temporarily requires the presence of the registrant.
- (5) Are temporarily laid off from a job and expected to return to work within 60 days;
- (6) Are involved in legal difficulties (such as court mandated appearances) which preclude participation;
- (7) Have a temporary illness or disability; or

(A) Temporary illness or disability is defined as:

1. Pregnancy;
2. An illness or injury serious enough to temporarily prevent employment. Minor ailments, such as colds, will not defer a person from participation; or

(8) Are non-English speaking, to the extent that the CWD does not have services available in the individual's language or there is little or no job market in the community for non-English speaking individuals.

.812 Individual deferrals shall be reevaluated no later than at each recertification.

.813 Persons who are deferred shall be permitted to volunteer to participate in the FSET Program.

.814 Persons who are registered for work in accordance with Section 63-407.1 and who are not deferred under Section 63-407.811 are considered mandatory participants.

.82 Referral to an FSET Program

The CWD shall refer those mandatory participants to an FSET Program component who have been specifically identified in an approved county plan in accordance with Section 63-407.842. The CWD shall also be permitted to refer applicants and volunteers.

.821 Upon entry into each component the registrant shall be told, either orally or in writing, of the component requirements, what will constitute noncompliance, and the sanctions for noncompliance.

.83 Participant Reimbursement

.837 The CWD shall reimburse participants, including volunteers and applicants, for transportation, child

care, or other costs that are reasonably necessary and directly related to participation up to \$25.00 per participant per month.

.831 If a method has been approved in the State Plan for the CWD to provide allowances that reflect approximate costs rather than reimbursements, participants shall be provided an opportunity to claim actual expenses which exceed the CWD standard, up to \$25.00.

.84 Program Requirements

.841 Program Components

In accordance with a federally approved state plan, CWDs shall provide any one or more of the following components. The following components shall be allowed to be provided for applicants or recipients:

(a) Job Club/Job Search

- (1) Job Club (job search workshop), which consists of group training sessions in job finding skills, job interviewing skills, understanding employer expectations and requirements, and in enhancing self-esteem, self-image, and confidence.
- (2) Supervised job search, which consists of an organized method of seeking work, such as access to phone banks, job orders, and direct referrals to employers.
- (3) Unsupervised job search, which consists of independent efforts by a registrant to look for employment and follow up interviews by staff to determine the adequacy of the job search.

(b) Work Components

- (1) Workfare, which consists of a nonsalaried assignment with a public or private nonprofit agency that

provides the registrant an opportunity to develop basic work habits or to practice existing skills.

(A) Individuals assigned to workfare shall be provided the same benefits and working conditions provided to employees performing comparable work for comparable hours.

(B) A workfare assignment cannot result in the displacement of employed individuals or in the reduction of employment opportunities, such as substituting a workfare person in a vacant position.

(2) DJT/Work Experience, which consists of an assignment to provide work experience or training or both to enable participants to move promptly into regular public or private employment. Such assignment shall:

(A) Be limited to projects that serve a useful public purpose in fields such as health, social services, environmental protection, etc.

(B) Not replace a regular employee who is not participating in the FSET Program.

(C) Provide the same benefits and working conditions that are provided at the job site to employees performing comparable work.

(c) Training

Vocational training which consists of a project, program or experiment, such as supported work program, or a Job Training Partnership Act program (JTPA) or state or

local program aimed at accomplishing the purpose of the FSET Program.

.842 County Administration

- (a) Counties shall submit a plan in accordance with guidelines specified by SDSS. Partial or total geographical exclusion may be requested if an FSET Program would be impracticable due to such factors as the availability of work opportunities and the cost-effectiveness of the requirements. Counties requesting geographical exclusion shall submit sufficient economic and demographic data to justify such exclusion.

County plan amendments shall be submitted to SDSS for approval 60 days prior to the effective date of any proposed changes.

- (b) The CWD shall be permitted to operate or contract with another organization to operate the FSET Program or any component.

- (c) Counties that operate their own programs shall be permitted to establish independent FSET components and/or use existing components of WIN/Demo or GAIN, or those offered under other programs such as Refugee Employment Services, or General Assistance. If existing components are used, the following conditions shall be met:

- (1) Participation and sanction requirements are consistent with Sections 63-407.85 and .86.
- (2) The components are described in an approved county plan.
- (3) Activities associated with the delivery of services to FSET participants are time studied and claimed to the FSET Program in accordance with applicable time study and claiming instructions issued by SDSS.

.843 Data Collection

The CWD shall collect data in accordance with SDSS statistical reporting requirements. (See Sections 26-010 and 26-020.) Those counties which are totally geographically excluded shall also collect the data described in Sections 63-407.843(a) and (g). The data shall include, but not be limited to the following:

- (a) Number of newly work registered individuals.
- (b) Number of work registrants deferred from participation, separated by reason for deferral.
- (c) Number of individuals granted geographical exemption.
- (d) Number of volunteers who begin participating, by component.
- (e) Number of mandatory participants who begin, by component.
- (f) Number of work registrants sent a notice of adverse action and applicants denied certification for failure to comply with the program requirements.
- (g) Number of work registrants during the October 1 through October 31 period on the October through December report.

.85 Participation Requirements

- .851 The number of months and number of successive components in which participation is required shall be determined by the county as long as the minimum and maximum participation requirements of the FSET Program are met. Participation requirements could vary among participants.
- .852 Participation requirements shall not be imposed if they would delay the determination of eligibility for or issuance of benefits to any household otherwise eligible.
- .853 The minimum level of effort by participants shall be comparable to spending at least 12 hours a month for two months making job contacts.

In a workfare or work experience component, the number of hours may be less if the household's benefit divided by the minimum wage is less than this amount.

.854 For a job search component as described in Section 63-407.841(a), the participation requirement shall be permitted to begin at application for an initial period of up to eight consecutive weeks, and continue for an additional period of up to eight weeks during 12 consecutive months. The 12-consecutive-month period shall be permitted to begin at any time following the close of the initial eight-week period.

.855 Participation requirements in a work component, as described in Section 63-407.841(b), imposed collectively on members of a household each month shall be limited to the number of hours equal to the household's allotment for that month divided by the higher of the applicable state or federal minimum wage.

.856 The maximum hours of participation imposed on each individual shall not exceed 120 hours per month, including nonwork and work component hours, optional Food Stamp Workfare Program hours, and hours worked for compensation, in cash or in kind.

.857 The hours of participation or work of a volunteer shall not exceed the hours required of FSET Program mandatory participants.

.86 Failure to Comply

.861 Individuals or households who are participants in the FSET Program, and who refuse or fail without good cause to comply with any of the requirements of that program, shall be subject to the provisions of Section 63-407.5.

.862 Individuals or households who are disqualified for failure to comply with the requirements of the FSET Program shall be notified in accordance with the provisions of Section 63-407.56.

.863 Voluntary participants shall not be disqualified for failure to comply with FSET Program requirements.

•87 Ending Disqualification

Individuals or households who have been disqualified for noncompliance with the requirements of the FSET Program shall be permitted to establish or reestablish eligibility in accordance with Sections 63-407.61 and .62.

•88 Determining Good Cause

Good cause shall be determined in accordance with the provisions in Section 63-407.57.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(c)(2), (c)(4), and (c)(6); 7 CFR 273.7(d)(1)(i)(F), (d)(1)(ii)(A) and (B), and (d)(3); 7 CFR 273.7(f)(1), (f)(2)(ii) and (iii), (f)(3)(i) and (ii), (f)(4)(ii) and (iv); 7 CFR 273.7(g)(1); (h)(1); (k)(1); (m); (o); and (p).

Amend Section 63-407.9 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.9 Optional Food Stamp Employment Programs

.91 In addition to the FSET Program, operated in accordance with Section 63-407.8, counties shall be permitted to operate the Food Stamp Workfare Program in accordance with the requirements of Title 7 of the Code of Federal Regulations, Section 273.22.

.92 Counties shall obtain state approval to operate the Optional Food Stamp Applicant Job Search Program in compliance with the requirements of Title 7 of the Code of Federal Regulations, Section 273.7.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 273.7.

Amend Sections 63-408.31 and .32 to read:

63-408 VOLUNTARY QUIT (Continued)

63-408

.3 Exemptions from voluntary quit provisions.

The following persons are exempt from voluntary quit provisions:

- .31 Persons exempt from the ~~full-time~~ work registration provisions as stated in Sections 63-407.21, ~~except for persons registered in an alternate program as specified in Section 63-407.21(i).~~
- .32 Strikers, as defined in Section 63-402.98, except for an employee of the federal, state, or local government, who has been dismissed because of his/her participation in a strike against such government.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(n).

Amend Section 63-504.361(c) to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504
(Continued)

•3 Monthly Reporting (Continued)

•36 Termination (Continued)

- 361 The CWD shall terminate a monthly reporting household's participation in the Food Stamp Program if the household: (Continued)

(c) fails to comply with a nonfinancial eligibility requirement, such as registering for employment the work registration requirements. The household shall be notified in accordance with Section 63-504.261.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and Institutions Code.

Reference: 7 CFR 273.7(g)(1).

FACE SHEET

88-0331-02E
RDB# 1087-48
(See Instructions on Reverse)

RECEIVED FOR FILING

1988 MAR 31 AM 11:51

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
MAR 31 1988

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

J. S. Mehl
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 3/30/88

FILED

In this office of the Secretary of State
of the State of California

MAR 31 1988

At 4:25 o'clock P.M.

MARCH FONG EU, Secretary of State

By *John B. Bate*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

ROSALIE CLARK, CHIEF

REGULATIONS DEVELOPMENT BUREAU

445-0313

2. Type of filing, (check one)

☐ 30-day Review

☒ Emergency

☐ Certificate of Compliance
(Complete Part 4 below)

☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

63-076

SECTIONS AMENDED:

63-501.3(k), 63-501.3(n), 63-501.13 and 63-502.2

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

☐ prior to the emergency adoption

☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

☐ Fair Political Practices Commission
(Include FPPC approval stamp)

☐ Building Standards Commission
(Attach approval)

☐ State Fire Marshall (Attach approval)

☐ Department of Finance (Attach properly signed Std. 399)

☐ Other

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF FINAL AGENCY ACTION

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

Not Applicable

March 31, 1988

Not Applicable

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☒ Effective upon filing with the Secretary of State.

c. ☐ Effective on _____ as required or allowed by the following statute(s):

d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. MCMAHON
Director

Adopt Section 63-076 to read:

63-076 IMPLEMENTATION OF INCOME AND RESOURCE ELIGIBILITY 63-076
REQUIREMENTS

.1 The amended provisions in Section 63-076.2 shall be implemented as follows:

.11 Effective December 1, 1987, the CWDs shall implement the amended provisions for all new food stamp applications and continuing cases.

.12 In accordance with 7 CFR 272.1(g)(90), benefits shall be restored to entitled households upon request by the household, or when the CWD otherwise becomes aware that benefits should be restored. Restored benefits are to be provided back to the date of application or April 1, 1987, whichever occurred later.

.2 The sections affected by these revisions are as follows: Sections 63-501.3(k)(12); 63-501.3(n); 63-502.135; and 63-502.2(k)(3).

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Sections 18901 and 18902, Welfare and Institutions Code and 7 CFR 272.1(g)(90).

Amend Section 63-501.3(k) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions from Resources (Continued)

(k) (Continued)

(1) (Continued)

(2) (Continued)

(3) (Continued)

(4) (Continued)

(5) (Continued)

(6) (Continued)

(7) (Continued)

(8) (Continued)

(9) (Continued)

(10) (Continued)

(11) (Continued)

(12) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under Sections 63-501.521(a), (b) or (f). Only that portion of real property determined necessary for maintenance or use is excludable under this provision.

HANDBOOK

For example, a household which owns a produce truck to earn its livelihood may be prohibited from parking the truck in a residential area. The household may own a 100-acre field and use a quarteracre of the field to park and/or service the truck. Only the value of the quarteracre would be excludable under this provision, not the entire 100-acre field.

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Sections 18901, Welfare and Institutions Code and 7 CFR 273.8(h)(1)(vi).

Amend Section 63-501.3 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

•3 Exclusions from Resources (Continued)

(l) (Continued)

(m) (Continued)

(n) Non-liquid asset(s) against which a lien has been placed as a result of taking out a business loan and the household is prohibited by the security or lien agreement with the lien holder (creditor) from selling the asset(s).

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 273.8(e)(15).

Amend Section 63-502.13 to read and renumber Section 63-502.135 to .136:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

•1 Income Definition (Continued)

•13 Earned income shall include:

•131 (Continued)

•132 (Continued)

•133 (Continued)

•134 (Continued)

•135 Earnings of individuals who are participating in on-the-job training programs under the Job Training Partnership Act of 1982 (JTPA), except as specified in Section 63-502.2(k)(3).

•1356 (Continued)

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 273.9(b)(1)(v).

Amend Section 63-502.2(k)(3) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.2 Income Exclusions (Continued)

(j) (Continued)

(k) (Continued)

(1) (Continued)

(2) (Continued)

(3) Payments specified in Section 63-501.3(k) except for Section 63-501.3(k)(3) shall be excluded as income earnings to individuals participating in on-the-job training programs under the Job Training Partnership Act of 1982 (JTPA) as set forth in Section 63-501.3(k)(6).

(A) However, earnings of dependent household members under 19 years of age who are participating in on-the-job training under JTPA shall be excluded.

(1) For purposes of this provision, dependent means a child under 19 years of age who is under the parental control of an adult household member.

Authority Cited: Sections 18904 and 10553, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 273.9(b)(1)(v).

OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

FILED
In this office of the Secretary of State
of the State of California

MAR 31 1988
At 4:25 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

OAL File No: 88-0331-02

[Signature]
LINDA MURDLE STOCKDALE BREWER
DIRECTOR

3/31/88
Date